# PREVENTING SEXUAL HARASSMENT IN THE CONGRESSIONAL WORKPLACE

## HEARING

BEFORE THE

## COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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# PREVENTING SEXUAL HARASSMENT IN THE CONGRESSIONAL WORKPLACE

**TUESDAY, NOVEMBER 14, 2017**

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
*Washington, DC.*

The Committee met, pursuant to call, at 10:00 a.m., in Room 1310, Longworth House Office Building, Hon. Gregg Harper [Chairman of the Committee] presiding.

Present: Representatives Harper, Davis, Comstock, Walker, Smith, Loudermilk, Brady, Lofgren, and Raskin.

Also Present: Representatives Brooks and Speier.

Staff Present: Sean Moran, Staff Director; Kim Betz, Deputy Staff Director/Policy and Oversight; Bob Sensenbrenner, General Counsel; Dan Jarrell, Legislative Clerk; Erin McCracken, Communications Director; Jamie Fleet, Minority Staff Director; Khalil Abboud, Minority Deputy Staff Director; Eddie Flaherty, Minority Chief Clerk; and Teri Morgan, Minority Deputy Staff Director/Counsel.

The CHAIRMAN. I now call to order the Committee on House Administration for purposes of today's hearing, titled "Preventing Sexual Harassment in the Congressional Workplace."

The hearing record will remain open for 5 legislative days so Members may submit any materials they wish to be included.

A quorum is present, so we may proceed.

At the outset, I ask for unanimous consent the Committee on Ethics Chairwoman, Susan Brooks, and Ranking Member, Ted Deutch, be permitted to sit on the dais and question all the witnesses today.

Without objection, that is approved.

I also ask for unanimous consent that Representative Speier be afforded the opportunity to sit on the dais and question our second panel of witnesses.

Without objection, so ordered.

I would like to thank all of our witnesses for taking time out of their busy schedule to be with us today on this very serious issue. And I commend Speaker Ryan for bringing this important issue to the forefront and for tasking this committee to undertake a comprehensive review. Today's hearing is a critical part of that review process.

First and foremost, let me say that there is no place for sexual harassment in our society, period, and especially in Congress. This is an extremely important topic, and it will take all of us working together to effectively address this issue. I believe, as Members of

Congress, we must hold ourselves to an even higher standard, a standard that demonstrates that we are worthy of the trust placed on us by our constituents and the American people.

The disturbing accounts of sexual harassment experienced by current and former Members, including one of our witnesses today, revealed that sexual harassment is a serious problem in our society, and Congress is not immune from this issue. It is no secret the culture on Capitol Hill is unique. While there are 441 employing offices in the House among Members and Representatives, we should all share the common goal of creating safe and effective work environments that are productive, collegial, and responsive to the needs of our staff, constituents, and the public.

The personal accounts described by current and former colleagues and staff suggest that not every office is achieving this goal. These accounts dictate the need for a comprehensive review of the House's policies and procedures, as well as the resources available as it relates to sexual harassment in the workplace. Currently, sexual harassment awareness training is not mandatory for Members and staff. There is also concern that victims of sexual harassment are not aware of the resources available to them. Some have criticized the process that currently exists to adjudicate claims of sexual harassment.

Today, we will hear from two Members, one of whom was a victim of sexual harassment while a congressional staffer and the other who specialized in employment discrimination litigation, including sexual harassment cases, before his election to Congress. In addition, we will hear from representatives of the Office of Compliance and the Office of House Employment Counsel, two entities that are responsible for providing training and resources to Members and staff, among other services.

The Office of Compliance is an independent agency established by the Congressional Accountability Act to administer and enforce the provisions of the act. While the Office of Compliance is responsible for educating and training Members, staff, and the public on workplace issues, there are individuals, like Representatives Speier and Holmes Norton, who have spoken publicly about the need for the Office of Compliance to do more.

The Office of House Employment Counsel, located within the Office of the Clerk, provides training and resources for Members and chiefs of staff, as well as training for the entire office. In addition, the Office of House Employment Counsel represents employers in the Office of Compliance proceedings.

Several bills and resolutions have been introduced in the House seeking changes to the process, many of which involve making training mandatory for all Members and staff.

According to the Office of Compliance, and I quote: It is widely acknowledged that antidiscrimination and antiretaliation training for employees provides many benefits to the workplace. Education directly impacts employee behavior. A comprehensive training program continues to be the most effective investment an organization can make in reducing complaints and creating a more productive workforce.

Now, I believe we need mandatory training—I think probably everyone here will agree—as well as a more organized and com-

prehensive approach to address sexual harassment in the congressional workplace. As I said at the beginning of my remarks, this hearing is just the first step in our review. I look forward to hearing from each of our witnesses today on both panels.

Mr. Brady, I will now recognize you for the purposes of an opening statement.

Mr. BRADY. Thank you, Mr. Chairman. And, Mr. Chairman, thank you for calling this hearing today.

The congressional workplace should have zero tolerance for sexual harassment and any kind of discrimination. That is why I was pleased to be one of the first sponsors of the Congresswoman from California's resolution. Congresswoman Speier's courage and her determination deserve the respect and attention of Members of Congress, and her plan deserves action. I thank her very much for being here today.

The Congresswoman's proposal would require mandatory training for Members and staff. It would also require the Office of Compliance to get back to us very quickly on additional improvements to their program. This bipartisan legislation is a first step, and the House should pass it immediately. I want to emphasize that this should be just a first step.

I hope we can also look at ways to strengthen and clarify our dispute resolution process and other ways to support the Office of Compliance, including with additional money. I have supported additional appropriations for the Office of Compliance every year they have asked and this important agency worthy of our support.

I thank our witnesses for being here today, and I am glad that Ms. Speier will be joining us on the dais after her panel discussion.

I am also pleased the Ranking Member of the Ethics Committee, Mr. Deutch, will try to join so the Ethics Committee will have a role to play in holding all of us to the highest conduct.

Again, thank you, Mr. Chairman, and I yield back the balance of my time and look forward to our witnesses' testimony.

The CHAIRMAN. Thank you, Mr. Brady.

I now recognize Barbara Comstock for the purposes of an opening statement.

Mrs. COMSTOCK. Thank you, Mr. Chairman.

In recent weeks, sexual harassment and sexual violence by powerful men have come to light as never before. People have named names, and there is a renewed recognition, rightfully, of this problem and the need for change of a culture that looks the other way because of who the offenders are. Whether it is Bill Cosby, Harvey Weinstein, Bill O'Reilly, Mark Halperin, Roger Ailes, Kevin Spacey, or one of our own, it is time to say: No more.

I have been an intern in this body. I have been a staffer like our witness here today. I have been counsel on committee and now as a Member. So I particularly appreciate the opportunity for this hearing today. And I appreciate that we have already committed to mandatory sexual harassment training for all of the Members—emphasize Members—and staff. And I think we do have a consensus of the need to have improved training, training materials and practices, making sure we are getting better reporting, a better response feedback loop, really knowing what is going on with sur-

veys or other types of things, but, most importantly, to protect the victims. I know we will be exploring that in weeks to come.

We need to know more of examples of what is actually happening and making it easier for the victims to come forward. We know there are so many who are in the shadows or forgotten because their situations may have happened at a time where less attention was paid.

Last night, I had the opportunity to talk to Dorena Bertussi, who, in 1988, filed the Hill's first successful harassment complaint, 30 years ago, against Representative Jim Bates of California. In a recent interview in Roll Call—and I hope you have seen that, if you haven't read it—she noted how most—she had many women in her office who had the same experience, but only she and one other came forward. But she felt it was so important. In speaking with her and seeing how brave she had been—because this was 30 years ago—you could hear the pain still in her voice in telling that story. But you could also hear the strength and the resolve. And women need to hear that and know that we will be there to back them up.

And, you know, and I think it is important we name names. The Hollywood rumors, all these things, people had heard these rumors for years. One of Roger Ailes' victims was a friend of mine. I never knew this had been something that had happened to her until I read her story in The New York Times. And I knew it was true because I knew her, talked to her about it after. But I was here in the time of Bob Packwood, Charlie Wilson, and I was thinking some of the things—you know, Charlie Wilson said: You can teach them to type, but you can't teach them to grow breasts. He used a more vulgar term.

And I wanted to close with something that I just had somebody tell me recently. This is about a Member who is here now. I don't know who it is. But somebody who I trust told me the situation.

This Member asked a staffer to bring them over some materials to their residence. And the young staffer is a young woman, went there, and was greeted with a Member in a towel—it was a male—who then invited her in. At that point, he decided to expose himself. She left, and then she quit her job. She left. She found another job. But that kind of situation, what are we doing here for women right now who are dealing with somebody like that?

So this is really a much more complex situation than I think—you know, we need to have more training, know about the violence that we are seeing in some of these—that are criminal. Like, we get people into the criminal system when you have a crime—I would argue, that probably is a crime in that situation—and have people know that. And then that we have a much better process so that that person doesn't have to give up her career.

I was listening to one of the victims of Mark Halperin, and she was talking about how she was very strong, left, didn't do anything. But there were other women who left their desired profession altogether because of what had happened. And we can't have that happen.

So, Mr. Chairman, I really appreciate your giving us this opportunity. And I know we are going to have more hearings. I think it is important that we do that and that we hear more from the people who have been in the shadows.

Thank you.

The CHAIRMAN. The gentlelady yields back.

The Chair will now recognize Congresswoman Zoe Lofgren for purposes of an opening statement.

Ms. LOFGREN. Thank you, Mr. Chairman.

There is no question that sexual harassment in the workplace, including Congress, must be addressed. And I want to thank Chairman Harper and Ranking Member Brady for today's hearing on this important subject.

And I want to thank the witnesses, Congressman Bradley Byrne, and Representative Jackie Speier for coming before us today to help us examine how we can make improvements to our policies and procedures for preventing sexual harassment as well as for handling complaints once they are filed.

Now, Representative Speier's resolution, the CEASE Act, calling for mandatory sexual harassment training, is a step in the right direction. But as she and I have discussed, it is not the end. We need to examine dispute processes at the Office of Compliance to make sure victims can expeditiously have their grievances heard. And I think this is especially important because sexual harassment is often about power. It is not just about sex. It is about abuse of power. And our hard-working staff and others need to have an advocate just as powerful on their behalf.

Mandatory training is long overdue. The Office of Compliance has been recommending it for 20 years, and the Senate just unanimously passed a resolution mandating it last week. It seems to me if Senator Ted Cruz and Elizabeth Warren can agree, we should also be able to agree on our side of the building. The online training is just a small start. But study after study shows that in-person training is where you have the most progress in changing workforce behavior. We need to do a better job of advertising resources that are available, but we also need improvements in the process once people do make a complaint.

I just want to make a special word about Congresswoman Jackie Speier. Years ago, she and I were staff compatriots. We worked on the Hill at the same time. She worked for Congressman Leo Ryan from the mid-peninsula, and I worked for Congressman Don Edwards just south of that district. It was a wild and crazy time in many ways in our history. We had the impeachment of Richard Nixon, the war, and the disruption and the like, but one of the things that Jackie has talked about now—and I give her so much credit—is the assault that she suffered. I think it is so important that she had the courage and the grace and dignity and grit to speak up about what happened to her. And I know that that has encouraged other people to step forward and take on and know that they can speak up too.

So I just want to thank Jackie for being here today, for the lead that she has taken on this issue and so many others. She is a great lawyer, a terrific leader, and not afraid of a darn thing.

So I thank you, Jackie, Congressman Byrne, and I yield back the balance of my time.

The CHAIRMAN. The gentlelady yields back.

Anyone else on the Republican side wishing to be recognized for an opening statement?

I recognize Mrs. Brooks for 5 minutes for an opening.

Mrs. BROOKS. Thank you, Chairman Harper and Ranking Member Brady. As Chairwoman of the House Ethics Committee, I am really very pleased to be a part of this hearing today. We know in the House Ethics Committee that the House does have problems with addressing both reported and unreported sexual harassment as just described by Representative Comstock. And the House Ethics Committee is committed to working with your committee to eliminate harassment that occurs through ensuring that our Members and staff are trained and have better training. And we need to ensure that we are protecting the victims of harassment when it does occur.

Sexual harassment is strictly prohibited by our code of official conduct. Let me repeat that: Sexual harassment is strictly prohibited by the House's code of official conduct and something that the House Ethics Committee takes very seriously.

For background, at the House Ethics Committee, we have two separate functions as they relate to sexual harassment. First, we have an advice and education division. The attorneys in advice and education are trained when approached with a harassment issue to advise the person seeking advice to contact Office of Compliance. These discussions with our attorneys on our committee are strictly confidential, so I cannot report on the number of harassment instances raised with the committee. But I can report that the advice given is to educate the advice seeker on their options.

The second function of our committee is to conduct investigations when allegations are made. And should someone be interested in initiating an investigation, they can contact the House Ethics Committee investigation division.

The committee and I personally share this committee's goal of protecting victims of harassment. I look forward to learning from this hearing, ways we can improve the House generally and how we can ensure that we take the lessons learned from today's hearing and improve the House Ethics Committee's process as well.

And, in closing, I would like to just commend the three female Members here who have just shared and, as we have learned, all started as staffers. And it is very important—and I am just pleased to be a part of this today. I was not a staffer here on the Hill. I had never worked on the Hill prior to coming to Congress, but I think it is very powerful that the three of you who are here in many ways representing House staff and now as strong voices on behalf of not only your districts but on behalf of the country as Members. So thank you.

And I yield back.

The CHAIRMAN. Congresswoman Brooks yields back.

The Chair will now recognize the gentleman from Maryland, Mr. Raskin, for the purposes of an opening statement.

Mr. RASKIN. Mr. Chairman and Ranking Member Brady, thank you very much for calling this hearing. And I also want to thank our distinguished witnesses for their leadership and their perseverance in dealing with this issue.

The Nation is in an uproar today over sexual assault and sexual harassment. From the studios of liberal Hollywood to the studios of FOX News, from Wall Street to Alabama, there is a tectonic shift

taking place in women's unwillingness to put up with what prior generations of women were often forced to accept as business as usual. And I believe the public generally has seen enough too and wants action.

In Congress, we must be leaders in changing a culture of sexual harassment and assault, not just by what we say in our legislation but by what we do in our own workplace. Justice Brandeis once said: "Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example."

Mr. Chairman, sexual harassment at work is a pervasive problem that has been documented. The EEOC estimated that anywhere from 25 percent to 85 percent of women have experienced sexual harassment in the workplace. And let's be clear that it is illegal. Whether it takes the form of quid pro quo sexual harassment or hostile workplace environment harassment, it constitutes sex discrimination and degrades the professional status and social position of women.

To think that this body is somehow immune from sexual harassment and abuse of women would be naive at best. At last count, more than 1,500 former staffers signed a petition directly calling on us to reform policies aimed at preventing sexual harassment and adjudicating complaints.

My chief of staff, Julie Tagen, who has spent most of her career on Capitol Hill, says she does not know a single woman in her age group who has not experienced inappropriate conduct in the workplace. As businesses across the country face their responsibilities for creating harassment-free workplaces, we must do our own part and lead by example in the public sector.

A critical first step is requiring annual mandatory sexual harassment prevention and response training for Members of Congress and staffers alike, just as we require ethics and cybersecurity training.

I am a proud cosponsor of Representative Speier's CEASE resolution, House Resolution 604, the Congressional Education About Sexual Harassment Eradication Resolution. And I would urge the House to quickly move to adopt this measure as the Senate did last week.

Although this is an important place to start, mandating annual sexual harassment training is not sufficient. We must examine existing dispute resolution processes, which recent incidents suggest may be acting still as a deterrent to reporting and resolving problems. I am eager to hear from our witnesses today on what more can be done, and I understand that there are multiple proposals that have been put on the table aimed at encouraging reporting, soliciting feedback, promoting a healthy workplace environment, and protecting staffers against retaliation.

I am eager to learn how we can work together in a completely bipartisan way, Mr. Chairman, to create a workplace safe for all of our employees and that all Americans can be proud of. Thank you, and I look forward to the testimony today.

The CHAIRMAN. The gentleman from Maryland yields back.

I would now like to introduce our witnesses on our first panel.

Representative Jackie Speier represents California's 14th Congressional District. She serves on the House Committee on Armed

Services as the Ranking Member of the Subcommittee on Military Personnel and on the House Permanent Select Committee on Intelligence. She received her B.A. in political science from the University of California at Davis and a J.D. from UC Hastings College of Law. Representative Speier has been and continues to be a tireless advocate for women's rights. We appreciate her efforts in raising awareness of sexual harassment and being with us today.

Representative Bradley Byrne represents Alabama's First Congressional District. In Congress, Representative Byrne serves on the House Committee on Armed Services as well as the Education and Workforce Committee. After completing his undergraduate studies at Duke University, Representative Byrne received his law degree from the University of Alabama School of Law. He practiced labor and employment law in Alabama for over 30 years.

During Representative Byrne's practice, he advised multiple businesses on harassment policies, protocol and procedures, and litigated numerous employment cases. He also has overseen multiple sexual harassment investigations over his many years of practice.

So, Representatives Speier and Byrne, the Committee has received your written testimony.

You will now each be given 5 minutes to present a summary of that submission. And to help you keep time, as you have done on the other end, you know how it works. Five minutes. With 1 minute to go, it will go yellow. With time up, it will go red. And we certainly want to thank both of you for this time.

So the Chair will now recognize Representative Speier for 5 minutes for her summary.

**STATEMENT OF THE HON. JACKIE SPEIER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Ms. SPEIER. Chairman Harper, Ranking Member Brady, Members of the Committee, thank you so much for the opportunity to speak to you. And let me begin by saying how impressed I am at the seriousness with which you are undertaking this issue. It is complex, and it will be at times uncomfortable to deal with it.

It is important to note that two out of three sexual assaults go unreported in this country, and oftentimes, sexual harassment leads to sexual assault.

Since I shared my own story on #MeTooCongress, I have had numerous meetings and phone calls with staff members, both present and former, women and men who have been subjected to this inexcusable and oftentimes illegal behavior. In fact, there are two Members of Congress, Republican and Democrat, right now, who serve, who have been subject to review—or not have been subject to review but have engaged in sexual harassment. From these harasser propositions such as, "Are you going to be a good girl," to perpetrators exposing their genitals, to victims having their private parts grabbed on the House floor, all they ask in return as staff members is to be able to work in a hostile-free work environment. They want the system fixed and the perpetrators held accountable.

I have been working on this issue since 2014 and believe there are three steps Congress needs to take to fix the egregious and sometimes illegal behavior. The first step is to require sexual har-

assment prevention and response training every year for both Members and staff, just like ethics and cybersecurity training. The existing Office of Compliance online training model is a start, as some of you have pointed out, but it is not adequate. Research has found that effective training requires in-person, interactive instruction and dialogue. A simple change to the House rules will achieve this result, and there is already legislation coauthored by many of you, H.R. 604.

And I want to give special thanks to Ranking Member Brady, Representatives Costello, Poliquin, Lofgren, and Raskin for their coleadership on this issue.

Second, we can't fix what we don't know. In my experience working on sexual harassment and sexual violence on college campuses, in academia, and in our military, climate surveys are conducted regularly and are key to recognizing the scope of the problem and to evaluating the effectiveness of reforms. That is why Congress should institute a congressional climate survey every 2 years.

Third, we must reform the broken dispute resolution system. The present system may have been okay in the dark ages. It is not appropriate for the 21st century. Under the current process, as you see on the monitor, congressional employees are at best unaware or confused, and at worst, they are utterly betrayed.

This flowchart shows the current process. First, you report the instance to the OC. You then have mandatory counseling for 30 days. After that, you are required—and I underscore "required"—to sign a nondisclosure agreement before you even begin mediation. You then have mandatory mediation for 30 days. Additionally, the harasser and the Member's office are represented by House of Representatives Counsel. Now, listen. How does that compute? They are provided free legal counsel. The victim is not.

I have also heard from mediators who say the congressional process is atypical in that survivors don't have the option to be in separate rooms as the defendant's counsel and that survivors are often addressed in an aggressive manner. Additionally, the fact that House Counsel works on behalf of the alleged harasser during mediation and then is charged with advocating to this Committee for the settlement agreement on behalf of the survivor seems to be a conflict of interest.

If the employee makes it this far, they then have to go through another 30 days of what they call a cooling-off period. So now 90 days have elapsed, and that employee is still required to work in that legislative office or else they are not eligible for services through the OOC.

Now, I might also point out at this junction that interns and fellows don't even have this process to access. So they have nowhere to go.

After the 30 days cooling-off period, then you can either file a formal complaint in a Federal district court or you can have an administrative hearing where there are negotiations, the settlement is approved, and then we move forward.

So, for the few survivors who secure a settlement, there is no disclosure of the office involved or the amount of funds. Taxpayers foot the bill, and the harasser goes on with his or her life. There is zero accountability and zero transparency. I might also add that,

during that process, the victim can't even communicate that they are going through an OOC process to their family, to their friends, or to anyone in their religious community.

So it is really no wonder that staffers do not seek this process at all. And, finally, as one of them said to me who I met with last week: I am a single mother; I can't afford to lose my job. The thought of being blackballed in this institution, the thought of being somehow subject to reprisal, all of that has an effect.

So I really feel that it is important for us to move forward, not just with training but to move forward with a comprehensive reform of the Office of Compliance.

Mr. Chairman, I would like to ask unanimous consent to submit the letter for the record of some 1,500 former members of staff in Congress. And I think I have made copies available to all of you. If you flip through those pages, you will see that they—they range back in the seventies, all the way to the current time.

The CHAIRMAN. Without objection.

[The information follows:]

November 13, 2017

Hon. Mitch McConnell, Majority Leader
United States Senate
S-230 The Capitol
Washington, DC 20510

Hon. Charles Schumer, Minority Leader
United States Senate
S-221 The Capitol
Washington, DC 20510

Hon. Paul Ryan, Speaker
U.S. House of Representatives
H-232 The Capitol
Washington, DC 20515

Hon. Nancy Pelosi, Minority Leader
U.S. House of Representatives
H-204 The Capitol
Washington, DC 20515

Hon. Richard Shelby, Chairman
Senate Committee on Rules and Administration
305 Russell Senate Office Building
Washington, DC 20510

Hon. Amy Klobuchar, Ranking Member
Senate Committee on Rules and Administration
305 Russell Senate Office Building
Washington, DC 20510

Hon. Gregg Harper, Chairman
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515

Hon. Robert Brady, Ranking Member
Committee on House Administration
1307 Longworth House Office Building
Washington, DC 20515

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Ryan, Minority Leader Pelosi, Chairman Shelby, Ranking Member Klobuchar, Chairman Harper and Ranking Member Brady:

As former staff of the U.S. Congress, we urge you to take action to require mandatory in-person sexual harassment training for all Members of Congress and Congressional staff, and reform the system for filing sexual harassment complaints in the Office of Compliance (OOC).

A CQ/Roll Call survey of Congressional staff in July 2016 reported that 40% of women responding believed that "sexual harassment is a problem on Capitol Hill." In the same survey, one in six women responding reported that she had been the victim of sexual harassment. The CEO of the Congressional Management Foundation, which is dedicated to supporting Congressional offices and staffs, has stated that "we have no doubt that sexual harassment is underreported in Congress, just as all workplace infractions are underreported in Congress."

The OOC is charged with adjudicating workplace disputes, as required by the Congressional Accountability Act of 1995 (P.L. 104 - 1). The same CQ/Roll Call survey found that nine in ten staffers were unaware of the OOC. This is consistent with our experience, as most of us were not aware of the OOC during our time in Congress.

Although the OOC has urged Congress to require mandatory staff training to deter sexual harassment since 1996, this training has not been required.

Furthermore, the dispute resolution process at the OOC may actually discourage victims from filing a grievance because of the excessive waiting period it imposes on victims. The OOC requires an individual to wait at least 90 days from the alleged incident before the filing of a sexual harassment complaint. This includes requiring the complainant to undergo 30 days of mandatory counseling and 30 days of mandatory mediation between the employee and his or her employing office. Only if mediation is unsuccessful can the staff then pursue legal action.

We believe that Congress's policies for preventing sexual harassment and adjudicating complaints of harassment are inadequate and need reform. We are pleased that the Senate acted last week to require mandatory harassment training for all Members and staff. This is an important first step, but additional action is necessary.

We urge the House and the Senate to change current policy to require mandatory in-person harassment training for all Members of Congress and Congressional staff, and to make counseling and mediation voluntary for individuals wishing to file a complaint with the OOC. Members of Congress and Chiefs of Staff should be made aware of their responsibility for preventing and reporting cases of sexual harassment and the OOC should have the authority to investigate complaints of abuse or harassment. Finally, Congress should, every two years, survey Congressional staff in order to understand the rates of sexual harassment on Capitol Hill and determine the effectiveness of prevention and reporting programs.

We are encouraged to hear that the Committee on House Administration will be exploring changes to sexual harassment policies in the House of Representatives at a hearing on Tuesday, November 14, 2017. We applaud this step and encourage the Senate Committee on Rules and Administration to do the same. Thank you for your consideration of our views.

Sincerely,

| *Staff Name** | *Dates of Service in Congress* | *Staff Name* | *Dates of Service in Congress* |
|---|---|---|---|
| Travis Moore | 2009-2015 | Kristin Nicholson | 1997-2017 |
| Jennifer McCloskey | 2008-2015 | Katherine Cichy | 2010-2014 |
| Melissa Sullivan | 2009-2010 | Lisbeth Zeggane | 2008-2010, 2013-2015 |
| Amy Judge DeLong | 2001-2007 | Lisa Levine Urovitch | 1995-1999, 2007-2011 |
| Tom Stewart | 2007-2016 | Janie Thompson | 2008-2010 |
| Robert Lucas | 2010-2017 | Alexandra ("Sasha") Moss | 2015-2016 |
| Megan Geoghegan | 2013-2017 | Blaine Nolan | 2011-2017 |
| Joshua Huder | 2013 | Kavita Patel | 2007-2009 |

| | |
|---|---|
| Michael Hermann | 2007-2015 |
| Amber Shipley | 2007-2014 |
| Jonathan Elkin | 2008-2016 |
| Jennifer Tuddenham | 2003-2005 |
| Sara Kloek | 2007-2011 |
| Joe Banez | 2014-2015 |
| Matt Weiner | 2008-2017 |
| Teddy Miller | 2011-2013 |
| Sean Trambley | 2008-2013 |
| Margaret McCarthy | 2007-2017 |
| Peter Rocco | 2009-2010 |
| Catherine Fish | 2009-2011 |
| Joshua Stager | 2007-2014 |
| Adam Conner | 2007 |
| Rose Jackson | 2013 |
| Jessica Lee | 2008-2014 |
| Katherine Brown | 2010, 1998-1999 |
| Michael Wu | 2007-2008 |
| Jonathan Morgenstein | 2013-2014 |
| Beth Pramme | 2004-2008 |
| Dakota Jablon | 2014-2015 |
| Dana Sandman | 2000-2017 |
| Eric Hollister Williams | 2011-2013 |
| Paul Bell | 2010-2016 |
| Jennifer Israel Dietrich | 2005-2008 |
| Bentley Johnson | 2015-2017 |
| Kirtley Fisher | 2002-2012 |
| Philip Stupak | 2010-2011 |
| Shawna Meechan | 2008-2010, 2011 |
| Chayva Lehrman | 2012-2014 |
| Namrata Mujumdar | 2007-2009 |
| Catlin O'Neill | 2001-2013 |
| Crystal Patterson | 2011-2012 |
| Marci Harris | 2007-2010 |
| Tom Manatos | 2002-2011 |
| Ian Blue | 2011-2015 |
| Christina Weisner | 2006-2007 |
| Mark Noble | 2009-2015 |
| Stacy E. Beck | 1993-1994, 1997-1998, 2001-2002 |
| Benjamin Chou | 2013-2014, 2016 |
| Britt McEachern | 2005-2011 |
| Kathleen Warner | 2009-2011 |
| Grace Rooney | 2006-2013 |
| Jacqueline Garry Lampert | 2006-2011 |
| Laura Schifter | 2007-2008, 2010-2012 |
| William Jawando | 2004-2009 |
| Lisa Kohn | 2013-2015 |
| Joseph Budd | 2005-2009 |
| Hannah Katch | 2010-2014 |
| Matthew Traub | 1993-2001 |
| Russell Shaw | 1992-1994 |
| Mark Raabe | 1970-1975, 1977-1987 |
| Hayne Yoon | 2011-2014 |
| Kevin Kaiser | 2009-2013 |
| Jake Oster | 2008-2014 |
| Carol Miller | 1986-1991 |
| Catherine Graham Hildum | 1994, 2003-2008 |
| Tramell Thomas | 2012-2014 |
| Sarah Coppersmith | 2008-2010 |
| Kristin Pepper | 1999-2001 |
| Michael Castellano | 2001-2011 |
| Sharon Levin | 1995-1997, 2001-2002 |
| Oscar Mairena | 2010-2011 |
| Shayla Livingston | 2007-2011 |
| Frank Cristinzio | 2003-2005, 2008-2011 |
| William McGeveran | 1993-1998 |
| Liz Ryan | 1988-1992 |
| Alexis Ronickher | 2002-2005 |
| Andrew Timmons | 2009-2012 |
| Joshua Jacobs | 2002-2009, 2011-2013 |
| Andrew Ricci | 2007-2011 |
| Mark Engman | 1984, 1993-1996 |
| Vincent Sanfuentes | 1987-2000 |
| Ryan Cahill | 2013-2016 |
| Jeanne Ireland | 1997-2001, 2008-2009 |
| Shannon Kellman | 2007-2016 |
| Vaughn Bray | 2009-2017 |
| Desiree Tims | 2012-2014 |
| Robin Winchell Roberts | 2006-2012 |
| Bradford Cheney | 2003-2006, 2008-2009 |
| John Collins | 2009-2014 |
| Kara Stencel | 2003-2011, 2017 |
| David Howard | 2007-2013 |
| Sean Kennedy | 2013-2014 |

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| Jennifer Poulakidas | 1993-1994 | Audrey McFarland Korvin | 2013-2015 |
| Elizabeth Lee | 2007-2010 | Jackson Tufts | 2008-2016 |
| Danielle Gilbert | 2009-2013 | Emily Charlap | 2011-2012 |
| Ellynne Bannon | 2003-2006 | Krista Lamoreaux | 2005-2010 |
| Stephen Lassiter | 2009-2014 | Jason Edgar | 2005-2012 |
| Meghan Roh | 2009-2016 | Jonathan Moore | 2006-2013 |
| David Feinman | 2006-2010 | Caroline DeLaney | 2009-2011 |
| Jesseca Boyer | 2006-2008 | Julius Lloyd Horwich | 2001-2003, 2004-2009 |
| Shawn Chang | 2002-2014 | Sally McGee | 2000-2003 |
| Stephanie Ueng | 2008-2014 | Christopher Mitchell | 1999-2006 |
| Anne Morris Reid | 2008-2010, 2011-2014 | Topher Spiro | 2004-2010 |
| Jennifer Nieto Carey | 2003-2007 | Molly Buford | 2001-2003, 2007-2009 |
| Sara Nitz | 2011-2015 | Melissa Bez Cheatham | 2007-2011 |
| Paul Coyle | 2011-2015 | Beth Barefoot | 2005, 2013-2015 |
| Jill Henriques | 1998-2003 | Aaron Klein | 2001-2009 |
| Liz Bourgeois | 2009-2012 | Kristin Eagan | 2005-2010 |
| Nadir Vissanjy | 2010-2012 | Trudy Vincent | 1998-2012 |
| Lelaine Bigelow | 2004-2008, 2009-2012 | Martha Serna | 2012-2013 |
| Cassie Mann | 2009-2011 | Erick Siahaan | 2012-2016 |
| Anna Chu | 2009-2011 | Ana Ma | 2003-2009 |
| Audrey D. Nicoleau | 2005-2009, 2012-2013, 2017 | Bradley Wolters | 2002-2006, 2007, 2009 |
| Rebecca Claster | 1997-2009 | John N. Young | 2001-2008 |
| David J. Leviss | 1992-1994, 2007-2011 | CL Newman | 2005-2008, 2013-2017 |
| Karina Newton | 2001-2012 | Emily Bokar | 2005-2007 |
| Jerry Dodson | 1979-1989 | Lisa-Joy Zgorski | 1987-1991 |
| Alan Roth | 1985-1997 | Dan Bachner | 2012-2015 |
| Jake Johnston | 1994-2001 | Maria Najera | 2003-2012 |
| Cyndy Hernandez | 2009-2011 | Heather Foster | 2007-2010 |
| Brin Frazier | 2001-2003, 2007-2009 | Madeline Nykaza | 2011-2014 |
| Daniel Penchina | 2002-2008 | Nancy Hilton Gregoire | 1995-2003 |
| Hannah Colclazier Hudson | 2008-2010 | Alexandra Teitz | 2001-2015 |
| Nahal Hamidi Adler | 2009-2012 | Zixta Martinez | 1989-1990 |
| Sam H. Cho | 2014-2015 | Sara van Geertruyden | 1996-2003 |
| Tyler Frisbee | 2008-2014 | Caitie Whelan | 2009-2015 |
| Loren Mullen | 2015-2016 | Jamie Smith | 2002-2003, 2009-2011 |

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| Lisa Presta | 2003-2004 |
| Paul Balmer | 2012-2017 |
| Emma Kaplan | 2013-2017 |
| Naomi Tacuyan Underwood | 2014-2017 |
| Mariel Lim | 2007-2013 |
| Abigail Burman | 2015-2017 |
| Jennifer Taylor | 2008-2014 |
| Sarah (Wachtel) Potter | 2003-2005 |
| Patricia Lawrence Dodson | 1976-1996 |
| Madeline Rose | 2011-2013 |
| Charmaine Manansala | 2003-2005 |
| Lindsay Vidal | 2008-2011 |
| Joe Tyburczy | 2010-2011 |
| Michael Ramos | 2006-2011 |
| Allison Rose | 2006-2013 |
| Kit Judge | 1985-2014 |
| Bernard Fulton | 1999-2001 |
| James Pineau | 2007-2014 |
| Adriane Alicea | 2013-2015 |
| Indivar Dutta-Gupta | 2007-2010 |
| Andrea Purse | 2005-2006 |
| Evangeline George | 2009-2016 |
| Jenny Backus | 1995-1999 |
| Soren Dayton | 2003-2005 |
| Eileen deParrie Dunn | 2001-2003 |
| Jirair Ratevosian | 2011-2014 |
| Mieke Eoyang | 1995-1999, 2003-2011 |
| Mitchell Smiley | 2007-2011 |
| Mary-Kate Barry Percival | 2006-2015 |
| Ryan Collins | 2013-2015 |
| Steve Elmendorf | 1987-2003 |
| Anna Kain | 2013-2015 |
| Chris Schmitter | 2007-2010 |
| Alexandra (Utsey) Jones | 2009-2012 |
| Maria Robles Meier | 1990-1991, 1999-2005, 2011-2017 |
| Peter Stavrianos | 1963-1994 |
| Sirat Attapit | 2005-2007, 2010-2017 |
| Sarah (Dyson) Swanson | 2007-2009 |
| Kristina Ko | 2007-2012 |
| Jeff Blattner | 1987-1995 |
| Steven Jeffrey Hild | 2006-2014 |
| Michael Kanick | 2002-2004, 2007-2013 |
| Allison Cowan Holtz | 2007-2008 |
| Dominique McCoy | 1993-2001, 2004-2013 |
| Matt Connolly | 2007-2015 |
| Danielle Dowling Heiberg | 1997-2001 |
| Kendra Wood | 2016-2017 |
| Jordan Hevenor | 1999-2004 |
| Melissa Miller | 2013-2015, 2017 |
| Matt Thornton | 2007-2011 |
| Bianca Oden | 2010-2012 |
| Ifeoma Ike | 2010-2012 |
| Jill deVries Jolicoeur | 1999-2006 |
| Jessica Kahanek | 2008-2014 |
| Daniel C. Roberts | 2013-2014 |
| Tony Williams | 2003-2006 |
| Raymond R. Kent, Jr. | 1976-2009 |
| Travis Osen-Foss | 2008-2014 |
| Greg Palmer | 2006-2008 |
| Erin Fyffe | 2007-2009, 2013-2016 |
| Steven Carfagno | 2011 |
| Daniel Roboff | 2009-2013 |
| Catriona Macdonald | 1993-1999 |
| Ryan Evans | 2011-2013 |
| Sarah Margon | 2007-2011 |
| Robin Roizman Graham | 2002-2009 |
| Courtney Cochran | 2011-2016 |
| Louis Lauter | 2001-2008 |
| Michael Beard | 2004-2009 |
| Ruth Tabak | 2009-2010 |
| Kristen Testa | 1996-1999 |
| Allison Bormel | 2012-2016 |

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| Josh Tzuker | 1997-2007 | Jihan Bekiri | 2009-2010 |
| Stephanie Cappa | 2006-2010 | Robert Raben | 1993-1999 |
| Jill Marshall | 1999-2002 | Travis L. Adkins | 2014-2016 |
| Danielle Rodman Shoolbraid | 2009-2013 | Julia O'Connor | 2014-2017 |
| Sean Hughes | 2001-2010 | Craig Frucht | 2013-2017 |
| Johanna Elsemore | 2009-2014 | Allison Teixeira | 2013-2015 |
| Bridget Fallon | 2004-2006, 2007-2013 | Nicholas Frederick | 2013-2015 |
| John Sawyer | 2002-2005 | Amy Dacey | 1997-1999 |
| Debbie Curtis | 1987-2013 | Lindsay Jones | 2007-2015 |
| Ernesto Falcon | 2004-2010 | Shannon Wilson | 2013-2016 |
| Derrick C. Crowe | 2003-2008 | Clare Chmiel | 2013-2016 |
| Jennifer Van der Heide | 2001-2017 | Leah Kennebeck | 2013-2017 |
| Emily A. Katz | 2005-2007, 2009-2015 | Andrew Linhardt | 2010-2013 |
| Eleanor Bastian | 2009-2017 | Heather Howard | 1990-1994, 2001-2005 |
| Thomas McIntyre | 1999-2004 | Katy Siddall | 2006-2015 |
| Michael A. Harold | 2007-2015 | Lauren Vargas | 2008-2012 |
| Fabion Seaton | 2012-2017 | Amy Peake | 2008-2016 |
| Angie Montes Truesdale | 2002-2005 | Scott A. Olson | 2007-2010 |
| Judah Ariel | 2004-2008 | K. Denise Rucker Krepp | 2005-2009 |
| Allison Bernstein | 2010-2011 | Jacob Thompson | 2013-2015 |
| Kate Rose | 2006-2010 | Justin Talbot-Zorn | 2011-2015 |
| Katie Cullen | 1978-1994 | Chip Weiskotten | 2006-2008 |
| Marian White | 2009-2012 | Kuna Tavalin | 2004-2008 |
| Beth Elliott Ellikidis | 2004-2011 | Bethany Libus (Biskey) | 2007-2010 |
| Robert Trombley | 2007-2010 | Michael Nilsson | 2001-2002 |
| Lisa Pinto | 1996-2016 | Sean Snyder | 2010-2017 |
| Mara Sloan | 2008-2017 | Luke Lynch | 2009-2013 |
| Laura Hayes | 1998-2004 | Timothy Merritt | 2007-2012 |
| Michael Linden | 2014-2016 | Galen Alexander | 2008-2011, 2013-2015 |
| Douglas Steiger | 1997-2003, 2005-2009 | Erin Katzelnick-Wise | 2005-2015 |
| Allison Corr | 2008-2013 | Caroline Mays | 2005-2009 |
| Zabrae Valentine | 1996-2001 | Alison Ver Schuer | 2007-2010 |
| Tricia Martin | 2001-2005 | Susan McAvoy | 1988-2009 |
| Ryan Greer | 2008-2009 | Mackenzie (Tepel) Solomon | 2009-2011 |
| Kim Zimmerman | 1995-1997, 2002-2006 | Ann Witt | 2002-2009 |
| Meina Banh | 2009-2011 | Tonia Bui | 2009-2011 |
| Katie Tilley | 2007-2010 | Katy Jones | 2012-2015 |

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| Rachel Martin | 2007-2010 |
| Steven Glickman | 1999-2000, 2007-2008 |
| Makese Motley | 2006-2008 |
| Meredith Loewen | 2007-2013 |
| Hillary Barbour | 1999-2014 |
| Melanie Rainer | 2013-2017 |
| Betsy Quilligan | 2004-2011 |
| Erin Fitzgerald | 2005-2008 |
| Bill Couch | 2007-2011 |
| Caitlin Donohue | 2007-2011 |
| Alexandra N. Veitch | 2004-2012 |
| Jennifer Delwood | 2011-2014 |
| Cara Morris Stern | 1999-2000 |
| Nora Connors | 2010-2013 |
| Billie McGrane | 2010-2015 |
| Tina Larsen | 2009-2011 |
| Christina Kostuk | 2012-2014 |
| Kate (Turner) Bateman | 2002-2005 |
| Rachel Zaiden | 2001-2012 |
| Casey Katims | 2009-2017 |
| Elizabeth Murphy | 2008-2014 |
| Courtney Ruark | 2009-2012 |
| Yvonne Hsu | 2008-2014 |
| Rachel Arguello | 2007-2009 |
| Kellie Luke | 2015-2017 |
| Andrew Bahrenburg | 2009-2012 |
| Erik C. Komendant | 2001-2003, 2007-2011 |
| Grace Bennett | 2011-2013 |
| Andrew Hu | 2008-2011 |
| Stacie Paxton Cobos | 1997-2005 |
| Catherine Murray | 2009-2014 |
| Shelly Stoneman | 1999-2000, 2003-2009 |
| Carly Katz | 2009-2015 |
| Melanie Roussell Newman | 2002-2003, 2004-2008 |
| Patrick Ahrens | 2011-2013 |
| Michael G. Williams | 2008-2009 |
| Rebecca Salay | 1994-1999, 2001-2005 |
| Julia Louise Krahe | 2008-2010, 2013-2015 |
| Karly Noblitt | 2012-2014 |
| Matt Jorgenson | 2007-2017 |
| Makeda Okolo | 2003-2015 |
| Karen Kunze | 2007-2015 |
| Heather McHugh | 1999-2013 |
| Tim Casey | 2005-2008 |
| Emily DenAdel Emery | 2001-2003 |
| Karen Rose | 1986-1994 |
| Paula M. Short | 1985-2010 |
| Steven Barker | 2008-2010 |
| Mary Kate Cunningham | 2009-2011 |
| Shannon Juhnke | 2009-2011 |
| Cecelia Prewett | 1997-2005 |
| Jennifer Keaton | 2000-2010 |
| Rose Sullivan | 2007-2015 |
| Benjamin Gerdes | 2011-2016 |
| Amaia Kirtland-Stecker | 2005-2013 |
| Meredith Swan | 2006-2011 |
| Robyn Russell | 2009-2013 |
| Alicia Haley | 2007-2009 |
| Bridget Coyne | 2009-2012 |
| Jesse Haladay | 2007-2015 |
| Liz Berry | 2007-2010 |
| Anna (Sperling) McAlvanah | 2009-2017 |
| Anna Cullen | 2013-2014 |
| Sean O'Brien | 2003-2013 |
| Pat Van Grinsven | 2008-2012 |
| Sophie Milam | 2001-2004 |
| Julia Steinberger | 2010-2016 |
| Roy Behr | 1985-1987 |
| Jake Rau | 2007-2008 |
| Kelly Wismer | 2013-2015 |
| Julie Tippens | 1986-1988, 1994-2012 |
| Lauren Layman | 2004-2007 |
| Rochelle Dornatt | 1981-2016 |
| Jesse Feinberg | 2009-2013 |

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| Devan Cayea | 2013-2017 | Andrew Savage | 2007-2010 |
| George Holman | 2005-2016 | Brooke Sharkey Rosenstein | 2001-2007 |
| Seamus Kraft | 2009-2013 | Kathryn Robertson | 2011-2015 |
| Katherine Grady | 2010-2013 | Brett Morrow | 2012-2017 |
| Wyeth Ruthven | 1996-1999, 2006-2009 | Alexa Seidl MacKinnon | 2013-2015 |
| Emily Contillo | 2009-2012 | Michael Wessel | 1977-1998 |
| Andrew Black | 2003-2015 | Sam Kussin-Shoptaw | 2010-2012 |
| Andrei Greenawalt | 2001-2002 | Laurie A. Watkins | 2006-2009 |
| Erin Healy | 2013-2014 | Paul Bland | 1987-1990 |
| Ben Goodman | 2011-2015 | Erin Shaughnessy Henson | 1999-2006 |
| Heidi Cusick Dickerson | 2004-2014 | Lauren Renee Overman | 2008-2015 |
| Stephanie Venegas | 2007-2014 | Michelle Gavin | 1999-2006 |
| Cristina Freyre Batt | 2004-2007, 2010-2011 | Adam Solomon | 1995-1997 |
| Mike Stanek | 2014-2015 | Melissa Salmanowitz | 2008-2011 |
| Frank Bellavia | 2001-2006 | Jeffrey Lewis | 2012 |
| Kelsi Browning | 2012-2013, 2015-2016 | Gina Velosky | 2001-2002 |
| Kate Loomis | 2015-2016 | Mary Beth Spencer | 2013-2015 |
| Ellen Riddleberger | 1995-2006 | Erin Dominguez | 2008-2014 |
| Marta Stoepker | 2000-2014 | Alyssa (Mowitz) Mehalick | 2011-2013 |
| Gina Gribow | 2008-2010 | Sinead Doherty | 2014-2016 |
| Taryn Morrissey | 2008-2010 | Adriane Casalotti | 2010-2016 |
| Brendan Daly | 1993-1996, 2002-2010 | Margaret Whiting | 2003-2010 |
| Hailey Ray | 2009-2012 | Mildred Otero | 2005-2009, 2012-2015 |
| Patrick Riccards | 1993-1998 | Carla Lochiatto | 2001-2002 |
| Lindsey Wagner-Oveson | 2003-2008 | Shannon R. Lane | 1993-1998, 2000-2004 |
| Samuel Garrett-Pate | 2013-2015 | Rebecca Weissman | 2012-2013 |
| Nikolas Youngsmith | 2013-2015 | Steffany Stern | 2010-2014 |
| Davis Hake | 2006-2012 | Kelsey Knowles | 2005-2010 |
| Anjan Mukherjee | 2013-2014 | Will Hansen | 2009-2013 |
| Maura Dalton Calsyn | 1996-1998 | Jamie Lockhart | 2008-2011 |
| Sam Raymond | 2008-2010 | Alejandra Villarreal Weiss | 2008-2012 |
| Sally Schaeffer | 1998-2005 | Grant Lahmann | 2005, 2007, 2009 |
| Jack Huerter | 2009-2014 | Erin Devaney | 2009-2011 |
| Emily F. Cook | 2012-2015 | Andrew Stevens | 2001-2011 |

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| Katherine Reisner | 2017 |
| Andrew Estrada | 2013-2014 |
| Talia Dubovi | 2008-2014 |
| Alicia Butler Dupre | 2001-2002 |
| Michele Scarbrough | 2008-2012 |
| Martha L. Goodman | 2007-2009 |
| Tristan Brown | 2008-2011 |
| Andrew McCanse Wright | 2007-2011 |
| Ronnie Carleton | 1980-2010 |
| Dan Lindner | 2012-2017 |
| Amy Fisher Haddad | 2003-2010 |
| Karen Swift | 1996-2001 |
| Kristen Rager | 2010-2015 |
| Adam Goldstein | 2009 |
| Marc A. Cevasco | 2005-2012, 2015-2017 |
| Valarie Molaison | 2012-2015 |
| Emily Coyle | 2005-2007 |
| Danielle T. Duong | 2008-2012 |
| Lisa Hunter | 2009-2010 |
| Robert Rose | 1973-1980 |
| Michelle Levy | 2006-2009 |
| Charles Dujon | 1998-2013 |
| Kathryn Elder | 2009-2012 |
| Claire O'Rourke | 2010-2014 |
| Melissa Skolfield | 1985-1993, 2003-2005 |
| Christina McWilson | 2008-2017 |
| Elizabeth Donovan Wells | 2008-2015 |
| Jeremy Slevin | 2011-2013 |
| Ken Willis | 2003-2014 |
| Matthew Chiller | 2001-2009 |
| Erin Allweiss | 2006-2008, 2009-2010 |
| Jose Rodriguez | 2007-2011 |
| Christiana Gallagher | 2007-2012 |
| George Lee | 2007-2010 |
| Gil Landau | 2009-2013 |
| Katherine Hope (Stephens) Black | 2011-2012 |
| Allison Parker | 2011-2013 |
| Rodell Mollineau | 1999-2002, 2003-2005, 2007-2011 |
| A. Peter Snodgrass | 2011-2012 |
| Edward Allen | 2004-2007 |
| Jeannette Cleland | 2007-2010 |
| Kathryn Prael Dunkelman | 2003-2005, 2009-2013 |
| Erica Stern | 2008-2011 |
| Naveen Parmar | 2007-2013 |
| Laura E. Englehart | 2007-2013 |
| Amanda Sloat | 2007-2010 |
| Doug Merkel | 2006-2010 |
| Judy Appelbaum | 1992-1995 |
| Alan Lee | 2010-2016 |
| John B. Minor | 2009-2013 |
| Tyler Aiken | 2011-2015 |
| Jennifer Plaskow | 2005-2009 |
| Thu Pham | 1997 |
| Tracy Zvenyach | 2009-2012 |
| Ann Erling Gofus | 2009-2010 |
| Daniel Davis | 2007-2009 |
| Charles Jefferson | 1993-2009 |
| Sheila Lane | 2004 |
| Jasmine Velazquez | 2013-2016 |
| Emily Osterhus | 2012-2014 |
| Linda Delgado | 1993-1998 |
| Ta'Kijah Randolph | 2015-2017 |
| Christopher Moyer | 2010-2014 |
| Sarah C. von der Lippe | 1986-1990 |
| Andrea Johnson | 2007-2009 |
| Brittany A. Ellis Schmidt | 2009-2014 |
| Jeremy Kadden | 2005-2012 |
| Keenan Toohey | 2012 |
| Jenny Luray | 1992-2004 |
| Howard Bauleke | 1984-2011 |
| Kelly Kryc | 2011-2012 |
| Sadie Weiner | 2009-2014 |

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| Daniel Harsha | 2005-2014 | Ben Berwick | 2002-2006 |
| Christian Beckner | 2007-2013 | Sarah Abernathy | 1986-1992, 1998-2016 |
| Sarah Perz Dobson | 2001-2007 | Amy Hille Glasscock | 2004-2008 |
| Tonya Williams | 2008-2016 | Ian Grubman | 2006-2014 |
| Ann Brown | 1991-2000 | Jack Ebeler | 1981-1983, 2009-2010 |
| Megan Zanger | 2008-2011 | Caitlin Rush | 2013 |
| Rebecca A. Davison | 2007-2010 | David Schooler | 1976-2006 |
| Alison Grigonis | 2013-2015 | Korey Hartwich | 2002-2004 |
| Scott Simpson | 2009-2010 | Jess Eiesland | 2003-2005 |
| Amanda Anderson | 2007-2009 | Charlotte Berryman | 1976-1996 |
| Cybele Bjorklund | 1995-2015 | Susannah Mrazek | 2001-2003 |
| Jillian Doody | 2004-2009 | Danielle LeTendre | 2007-2011 |
| Monisha Smith | 2005-2006, 2007-2011 | Sarah Despres | 1997-2011 |
| Alison Miller | 2002, 2009-2011 | Jennifer Nekuda Malik | 2011-2012 |
| Jenny Werwa | 2001-2002, 2012-2013 | Robin Lloyd | 2008-2011 |
| Nisha Ramachandran | 2013-2014 | Katherine Sydor | 2006-2010 |
| Judy Zamore | 2001-2002 | Caroline Brantley | 2009-2013 |
| Joy McGlaun | 2005-2013 | Sakala Rutherford | 2012-2014 |
| Karen Marangi | 1989-1991, 1997-1999 | Forest Harger | 2008-2012 |
| Carrie Foster Moore | 2000-2002 | Shelley Feist | 1988-1990, 1997-1999 |
| Piper Crowell | 2013-2015 | Abaki Beck | 2015-2016 |
| Audrey Litvak | 2014-2017 | Kelly McPhillips Frahm | 1998-2003 |
| Jim Papa | 1997-2009 | Tess Van Schepen | 2016-2017 |
| Kevin Condon | 2005-2011 | Rebecca Nathanson | 2012-2015 |
| Rachel Nuzum | 2005-2007 | Susannah Cernojevich | 2001-2006, 2013-2014, 2016 |
| Luke Squire | 2013-2014 | Karen Howard | 2004-2006 |
| Patrick Hanley | 2007-2011 | Tyler Smith | 2010-2011 |
| Orly Isaacson | 1999-2012 | Rheanna Martinez | 2007-2011 |
| Lia Parada | 2007-2012 | Elizabeth Jungman | 2011-2014 |
| Aonya McCruiston | 2013-2015 | Anthony DeAngelo | 2009-2012 |
| Brian Cookstra | 2008-2011 | Stephanie Arnold (Pang) | 2008-2011 |
| Clare Coleman | 1990, 1992-1996, 1999-2005 | Pat Devney | 2013-2014 |
| Victor Baten | 2010-2012 | Gregory Bohrer | 2008-2014 |
| Tim Westmoreland | 1979-1994 | Neal Waltmire | 2009-2011, 2012 |
| Denise Wilson | 1977-2008 | Lindsey Matese Kepley | 2005-2013 |
| Alicia V. Briancon | 2011-2013 | Katrina Lassiter | 2008-2012 |

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| Christina Baumgardner | 2007-2014 | Anne Christianson | 2010-2013 |
| Michelle Mitchell | 2003-2011 | Suznne Hassett | 1993-1999 |
| Alexandra Uriarte | 2015-2017 | Kevin Saucedo-Broach | 2015-2016 |
| James Koski | 2001-2012 | Phil Barnett | 1988-2014 |
| Eric Mitchell | 1998-2005 | Samantha Pillion | 2013-2017 |
| Victoria Bassetti | 1994-2003 | Leah Nelson | 2009-2014 |
| Nathan H. Smith | 2009-2011 | Allison Peters | 2007-2013 |
| Philip Clelland | 2009-2016 | Heidi (Schmieder) Ross | 2007-2015 |
| Luis Torres | 2008-20013 | Rachel Boyer | 2012-2014 |
| Jessica Swafford Marcella | 2002-2006 | Stephen Rickard | 1989-1994 |
| Gene Kim | 2007-2008, 2011-2013 | Martyn Griffen | 2008-2010 |
| Ashley Bennett | 2006-2008 | Meg Slachetka | 2006-2012 |
| Paul Pontemayor | 2007-2010 | Alexandria Hermann | 2005-2013 |
| Kimberly Koops-Wrabek | 2013-2015 | Sarah Fox | 1990-1996 |
| Junayd F. Mahmood | 2009-2011 | Matthew Bradfuhrer | 2011-2013 |
| Robyn Hiestand | 1998-2002, 2007-2015 | Robyn Lipner | 1986-1995 |
| Brendan Mysliwiec | 2014-2015 | Emma Peck | 2011-2015 |
| Allen Chiu | 2009-2016 | Liliana Rocha | 2012-2015 |
| Sarah Kyle | 2000-2003, 2007-2011 | Nina Besser | 2007-2014 |
| Benjamin Weingrod | 2007-2010 | Brooke Barron | 2014-2016 |
| Jenna Tatum | 2008-2010 | Katharine (Bluhm) Moffly | 2009-2011 |
| Elizabeth Ulmer | 2011 | Hannah Lerner | 2010-2014 |
| Loida L. Tapia | 2009-2011 | Austin Bonner | 2007 |
| Natalie Winters | 2011-2015 | Jennifer Parsons | 2009-2012 |
| Trey Pollard | 2009-2011 | Mary Virginia Attarian | 1989-1993 |
| Christopher Kang | 2002-2009 | Amy Dudley | 2009-2010, 2012-2017 |
| Jonathon Berman | 2008-2010 | Emily Lande | 2007-2010, 2015-2017 |
| Bethany Little | 2001-2003, 2009-2012 | Stephen Keith | 1987-1990 |
| Jeanette Quick | 2011-2016 | Tasmaya Lagoo | 2011-2014 |
| Rachel Locklear Hall | 2013-2016 | Hannah Parnes | 2011-2014 |
| Jessica LaVigne | 2013-2015 | Zachary Schechter-Steinberg | 2008-2014 |
| Allison Ness | 2009-2012 | Katharine Corbett Kuhn | 2004-2009 |
| Vikrum Aiyer | 2006-2008 | Emily Rohlffs | 2008-2011 |

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|---|---|---|---|
| Andrea Riccio | 2009-2016 | Shin Inouye | 2007-2008 |
| Andres Bascumbe | 2014-2017 | Jessica Goldstein | 2003-2004 |
| Laura Sherman | 2014-2016 | Emily Hervey | 2011-2014 |
| Adam C. Healy | 1994, 1997-1998, 2001-2007, 2011-2015 | Danielle Nameth | 2009-2012 |
| Adam Sharon | 2006-2015 | John Amaya | 2010-2014 |
| Heather R. Mizeur | 1994-1998, 2003-2006 | Liz Weiss | 2010-2014 |
| Jessica Cardichon | 2010-2011 | Karla Thieman | 2009-2014 |
| Robin Appleberry | 2005-2011 | Meghan Groob | 2011-2012 |
| Elizabeth Baylor | 2010-2012 | Steven Thai | 2010-2012 |
| Michael Thorning | 2011-2014 | Joanne Peters | 2004-2009 |
| Catherine H. Barrett | 2010-2014 | Shilpa Phadke | 1999-2005 |
| Irene Lin | 2010-2012 | Ann Adler | 1989-2015 |
| Rhonda Binda | 2001 | Addie Whisenant | 2009-2011 |
| Rose Hacking | 2007-2011 | Zach Amittay | 2011-2013 |
| Colby Nelson | 2009-2014 | Michael Kreps | 2010-2015 |
| Mark Vieth | 1988-2002 | Stephanie Doherty | 2013-2014 |
| Melissa Unemori Hampe | 1994-2000, 2002-2007 | Ashley Martinage | 1992-2002 |
| Jonathan Levenshus | 2000-2013 | Michael Yudin | 2001-2010 |
| Brittany Goldstein | 2010-2014 | Keri Kohler | 2001-2009 |
| Monica Carmean | 2007-2016 | Averi Pakulis | 2002-2011 |
| Alex Kisling | 2010-2011 | Catherine Haberland | 1987-1993 |
| Jordan DiMaggio | 2010-2013 | Chris Davis | 2005-2011 |
| Hannah Walter | 2008-2011 | Erin Richardson | 2011-2015 |
| Julian Miller | 2013-2016 | Kathleen Havey | 1991-1998 |
| Robert Marcus | 2003-2007, 2009-2014 | Jessica Lawrence-Vaca | 2003-2009 |
| Seng H. Peng | 2008-2010 | Isra Pananon | 2009-2010 |
| Patricia Delgado | 1980-2015 | Cullen Schwarz | 2007-2014 |
| Ciaran Clayton | 2004-2009 | Justin Thomas Hamilton | 2001-2010 |
| Shelley Rood Wernick | 2003, 2005-2008 | Karen Agostisi Stone | 2005-2010 |
| Michelle Haimowitz | 2014-2016 | Angie Jean-Marie | 2009-2013 |
| Melissa Schwartz | 2005-2008 | Marc Shultz | 2007-2015 |
| Jana Steenholdt | 2009-2012, 2013-2014 | Lauren Dewey | 2005-2007 |
| Helene Holstein | 2013-2016 | Max Sevillia | 2004-2006 |
| Zack Fields | 2009-2012 | Kailyn FitzGerald | 2011-2013 |
| Margaret Henderson | 2013-2017 | Tyler Gellasch | 2009-2013, 2014-2015 |
| Jim Hock | 1996-2002 | Stephen Krupin | 2007-2011 |
| Hudson Hollister | 2009-2012 | Joy Fox | 2005-2010 |
| David Cohen | 2009-2015 | Krista O'Neill | 2010, 2012-2015 |

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| Katie Rogers | 2007-2008 |
| Peter Quilter | 2007-2014 |
| Annie Chavez | 2005-2010 |
| Janine Benner | 2001-2013 |
| Mary McVeigh | 2008-2011 |
| Wendy Adams | 2005-2015 |
| Dan Fenn | 2009-2013 |
| Kelly Honda | 2013-2015 |
| Hannah Malvin | 2011-2016 |
| Helen Beaudreau | 2012-2017 |
| Tim McMahon | 2013-2016 |
| Stephanie Phillips | 2012-2016 |
| Callan Smith | 2009-2012 |
| Sally Cluthe | 1998-2008, 2009 |
| Carina Marquez-Oberhoffner | 2009-2015 |
| Mary Richards | 1997-2003 |
| Suzanne McIntosh | 1982-1988 |
| Shilpa Rajan | 2007-2015 |
| Betsy Miller Kittredge | 2005-2010 |
| Caroline Holland | 2001-2003, 2007-2015 |
| Priya Ghosh Ahola | 2003-2005, 2008-2009 |
| Mara Lee | 2009-2011 |
| Emily Gibbons | 2001-2011 |
| Aaron Shapiro | 2006-2015 |
| Lisa Konwinski | 1994-2009 |
| Liz Malerba | 2007-2010 |
| Daniel Oliver | 2009-2017 |
| Jean Flemma | 1991-2002, 2007-2015 |
| Timothy Schlittner | 2004-2011 |
| Marissa Smith | 2008-2011 |
| Anne Steinhauer | 1998-2001 |
| Nick Boyer | 2013-2015 |
| Akshai Datta | 2011-2016 |
| Lantie Slenzak | 2000-2007 |
| Samantha Nevels | 2008-2011 |
| Jean Roehrenbeck | 2006-2015 |
| Natalie Mamerow | 2012-2015 |
| Madeleine Pike | 2011-2017 |
| Randolph Harrison | 1992-1995, 1997-2013 |
| Chris Kelly | 2010-2015 |
| Kristen Sarri | 2001-2010 |
| David Prestwood | 2005-2013 |
| Alex Barron | 2008-2011 |
| Paul Hoover | 2008-2015 |
| Stephen Cha | 2006-2011 |
| Lorie Schmidt | 2005-2011 |
| Allyson Anderson Book | 2006-2012 |
| Matt Sowards | 2012-2015 |
| Joshua McIntyre | 1993-1995, 1997-1998 |
| Kate Keplinger | 1993-1996 |
| Anna Gonzalez | 2008-2017 |
| Jordun Lawrence | 2014-2016 |
| Elliot Williams | 2007-2009 |
| Jayme Wiebold | 2012-2015 |
| Aaron Lande | 2004-2008 |
| Patrick McQuillan | 2013-2014 |
| Michelle Singer | 1998-2005 |
| Caroline Fehr | 2011-2013 |
| Cecily Hastings | 2007-2009 |
| Lauren Ciaccio | 2007-2011 |
| Jonathan Levy | 2004-2009 |
| Madeline Grant | 2006-2010 |
| Jill Ward | 1992-1999 |
| Caitlin Runyan | 2010-2016 |
| Rachel Nusbaum | 2011-2014 |
| Joshua Kagan | 2011-2012 |
| Jana Fong Swamidoss | 1999-2004, 2006-2009 |
| Dexter Pearson | 2003-2011 |
| Yoni Cohen | 2006-2008 |
| Marian G. Ingrams | 2009-2013 |
| Michael Iskowitz | 1987-1997 |
| Brendan Boundy | 2005-2008 |
| Michelle Millben, Esq. | 2009-2014 |
| Sarah Fisher | 2009-2011 |
| Amanda Renteria | 2005-2013 |
| Coby Dolan | 2007-2015 |
| Michael Amato | 2008-2015 |
| Nina Smith | 2014-2015 |

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|---|---|---|---|
| Kaitlyn Golden | 2009-2011 | Chris Williamson | 2012-2014 |
| Robert Lott | 2005-2010 | Dan Hammer | 1994-2015 |
| Michael Hash | 1990-1995 | Elizabeth Lorenz | 2009-2011 |
| Rob Goodman | 2006-2011 | Carrie Gage | 2013-2015 |
| Kevin Cain | 1999-2005 | Devin McBrayer | 2015-2017 |
| Terri McCullough | 1991-1998, 2003-2011 | Elsa Tung | 2007-2012 |
| Todd Metcalf | 2003-2016 | Gregory Adams | 1997-2007 |
| Haley Nicholson | 2009-2013 | Julie Kling | 1993-1995 |
| Kathleen Hall | 2007-2013 | Greg Dotson | 1996-2014 |
| Roger Szemraj | 1975-2007 | Brent Durbin | 2000-2001 |
| Avery Ash | 2009-2010 | Lisa Wiehl | 2005-2013 |
| Pamela O'Leary | 2008 | Christopher Sasiadek | 2011-2013 |
| Marla Grossman | 1997-1999 | Dominique Tillman | 2007-2014 |
| Lyle Dennis | 1981-1993 | Michele Lawrence Jawando | 2003, 2009-2014 |
| Andrew Wilson | 2004-2007, 2010-2011 | Teri (Curtis) Weathers | 2009-2014 |
| Stacey Rampy | 1997-2001 | Michele Sumilas | 2007-2010 |
| Rachit Choksi | 2014-2015 | Mandy McClure | 2010-2014 |
| Kendra Barkoff Lamy | 2004-2009, 2011-2015 | Ben Klein | 2005-2010 |
| Rebecca Earle Middleton | 1997-2002 | David Stacy | 1999-2005 |
| Ted Brennan | 1994-2006 | Joy Silvern | 2009-2012 |
| Jake McCook | 2009-2014 | Andrew Shin | 2010-2011 |
| Edwin Tan | 2012-2016 | Jeff Watters | 2007-2011 |
| Douglas Lancaster Farrar | 2007-2012 | Laura Marquez | 2000-2006 |
| Christopher O. Fitzgerald | 1997-2009, 2011-2013 | Margy Levinson | 2009-2011 |
| Eric Olson | 1996-2003 | Joel Payne | 2005-2007, 2009-2011 |
| Joshua Teitelbaum | 2009-2014 | Lucia Alonzo | 2010-2014 |
| Micah Clemens | 2007-2011 | Lauren Culbertson | 2011-2014 |
| Lisa Thimjon | 2002-2005, 2007-2008, 2009-2010 | Mark Ro Beyersdorf | 2009 |
| Beth Houser Lamb | 2004-2010 | Emily Ghan | 2006-2011 |
| Anne Brady Perron | 2009-2011 | Melvin Dubee | 1989-1998, 2000-2009 |
| Laura Petrou | 1984-2008 | Amanda Faulkner | 2011-2015 |
| Seamus McNamara | 2013-2014 | Anthony Pandolfo | 2014 |
| Denise Forte | 1995-2011, 2014-2017 | Chris Ann Keehner | 2003-2007 |
| Mark Harkins | 1989-1995, 1997-2007 | Nils Tillstrom | 2004-2010 |
| Kevin Brennan | 1991-1999, 2007-2011 | Erin Erlenborn | 2001-2003 |

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|---|---|---|---|
| Amie Woeber | 2003-2008, 2012-2015 | Erin Bzymek | 2007-2008, 2009-2011 |
| Val Dolcini | 1994-1999 | John Cummings | 1994-2008 |
| Elizabeth Darnall | 2010-2015 | Erin Snow | 2013-2017 |
| Kenneth T. Dowling | 2012-2015 | Lisa Munoz | 2009-2010 |
| Ian Koski | 2010-2015 | Matt Nosanchuk | 2007-2008, 2008-2009 |
| John-Paul C. Hayworth | 1999, 2010-2011 | Stacey Romberg | 1988-1990 |
| Lindsey Weaver | 2009-2011 | Lauren Bogard | 2009-2012 |
| Hayley Rumback | 2002-2009 | Matt Ferraguto | 1999-2007 |
| Catherine Melsheimer | 2009-2015 | Tom Bantle | 1987-1999 |
| Jack Mellyn | 2005-2007 | Alex Wong | 2011-2013 |
| Cynthia Pellegrini | 1993-2011 | Meaghan Doherty | 2015-2016 |
| JJ Singh | 2011-2015 | Michael Spira | 2001-2010 |
| David Heifetz | 2012-2015 | Bradley Tusk | 2000-2003 |
| Rebecca Slater Abbott | 2007-2012 | Ziky Ababiya | 2012-2017 |
| Gregg Orton | 2008-2017 | Kate Spence | 2008-2010 |
| Wendy Wasserman | 1991-1993 | Eric Jotkoff | 2007-2008 |
| Melissa Robel | 2014-2017 | Brian Ronholm | 2006-2011 |
| Sarah Russell Vollbrecht | 1998-2000 | Brad Bauman | 2007-2010, 2010-2014 |
| Melinda Conner | 1991-2003 | Kathleen B Moazed | 1981-2001 |
| Huong Nguyen | 2016-2017 | Sara Williams | 2005-2009 |
| Dawn Myers | 2010-2011 | Sabrina Nadia Siddiqui | 2009-2010, 2014 |
| Jennifer Foth Moody | 1995-1999 | Maribeth Collins | 2005-2011 |
| Megan Curran | 2008 | Melodie Brown Thomas | 1982-1984 |
| Drew Anderson | 2013 | Sarah Craven | 1986-1989 |
| Dana Bartolomei | 2008-2011 | Jeremy Ayers | 2013-2014 |
| Jim Bradley | 1999-2010 | Avery Nathaniel Maron | 2005 |
| Lisa Bos | 1997-2005, 2011 | Norberto Salinas | 2007-2016 |
| Alexander Tepper | 2004-2006 | John Dukakis | 1985-1987 |
| Caroline Judge | 2012-2012 | Jeff Kimball | 1989-1997 |
| Jenn Dale | 2011-2015 | Kathleen Siedlecki | 1989-1995 |
| Callie Coffman | 1991-2013 | Phoebe Sweet | 2001-2014 |
| Tiffany Germain | 2009-2011 | Matthew Winters | 2001-2002 |
| Celeste Drake | 2003-2011 | Kent Sholars | 2011 |
| Robert Miller | 2004-2007, 2008 | Diana Oo | 2003-2006, 2007-2010 |
| Robert Jerry Hedrick | 1985-1993 | Susan Hildebrandt | 1986-1989 |
| Cindy Dwyer | 1979-2003 | Ellona Fritschie | 2003-06 |
| Andrea LaRue | 1998-2003 | Elliot F. Kaye | 1993-2001 |
| Stephanie L. Young | 2010-2012, 2013-2014 | Leigh Habegger | 2014 |
| Bobby Clark | 2003-2010 | Jim Kessler | 1988-2001 |

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|---|---|---|---|
| Lakecia Foster Stickney | 2009-2017 | Alison Griffin | 2001, 2003-2005 |
| Anne Marie Malecha | 2008-2013 | Victoria Honard | 2014-2016 |
| Brittany Johnson Hernandez | 2007-2015 | Christopher McGrath | 2009-2011 |
| Caroline Sundholm | 2010-2015 | Hope Wittenberg | 1981-1986 |
| Israel Klein | 2001-2009 | Bryan DeAngelis | 2004-2011 |
| Ann Vaughan | 2003-2007, 2008-2011 | Leslie Brady | 2013-2016 |
| Mario Semiglia | 2013-2017 | Jenn Morris | 2007-2010 |
| Bassima Alghussein | 2011-2015 | Stephanie Craig | 2005-2007, 2007-2008 |
| Aissa Canchola | 2012-2016 | Mary Ann Cappiello | 1990-1994 |
| Katherine Brandt | 2012-2016 | Karin Lissakers | 1973-1978 |
| Amy Kelbick | 2009-2017 | Joseph Hartunian | 2012-2015 |
| Mari Naganuma | 2012-2016 | Margaret Lemmerman | 2004-2008 |
| Alex Miller | 2011-2016 | Laura Benbow | 2008-2011 |
| Joseph Eaves | 2004-2006, 2009-2011 | Kate Spaziani | 2000-2002, 2007-2011 |
| Susannah Baruch | 1997-1998 | Stephen Ward | 2003-2011 |
| Kevin Donnelly | 2005-2011 | Catherine Tran | 2003-2005, 2008-2011 |
| Michael Szymanski | 1998-2003, 2004-2009 | Jo-Anne Basile | 1983-1989 |
| S. Heather Brewer | 1997-2002, 2009-2013 | Ariel Gordon | 2008-2010 |
| Kathryn Pearson | 1993-1998 | Yusuf Parray | 2014-2016 |
| Marni Karlin | 2009-2012 | Youshea A. Berry | 2007-2009, 2003-2004 |
| Kirtan Mehta | 2011-2016 | Marisa Harrilchak | 2005-2011 |
| Alex Saltman | 2008-2011 | Corey Cantor | 2015-2017 |
| Devlin Timony-Balyeat | 2006-2009 | Emily Bishop | 2007-2010 |
| Joe Brady | 2010-2013 | Danielle Oliveto | 2009-2014 |
| Howard Gantman | 1998-2009 | Josh Schwerin | 2009-2010 |
| Mary Humphreys | 2007-2010 | David Goodfriend | 1990-1995 |
| Lauren Aronson | 2005-2009, 2010-2012 | Graham Steele | 2010-2017 |
| MaryEllen McGuire | 1998, 2002-2008 | Jennifer Stiddard | 2003-2011 |
| Danielle LeClair | 1995-2001 | Scott Sawicki | 2001-2005 |
| Amy Simmons-Farber | 1996-2002 | Daniel Schuman | 2002-2003, 2006-2007 |
| Joyce Prusak | 1997-1999 | Christos Tsentas | 2002-2011 |
| Joshua Lamel | 2002-2008 | Constance Warhol | 2005-2007 |
| Marda Robillard | 1979-2000 | Holly Bullard | 2011-2014 |
| Pete Leon | 1994-1997, 2000-2006 | Aysha House | 2001-2011 |
| Anne Huiskes | 1992-1999 | Jennifer (Gannon) Wade | 2007-2011 |

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| Ryan Simon | 2015-2016 |
| Landy Wade | 2015-2017 |
| Erin Skinner Cochran | 2009-2011 |
| Jessica Schafer | 2002-2009 |
| Elizabeth Rose | 1987-1990 |
| Hayley Meadvin | 2007-2009 |
| Andrew Kauders | 1999-2006 |
| Sammantha Watson | 2007 |
| Paul Kincaid | 2009-2016 |
| Timothy Forde | 1992-1997 |
| Henry Atkinson | 1990-2009 |
| Aaron Fischbach | 2000-2005 |
| Mary ODea (Molly) Ahearn | 2006-2012 |
| India McKinney | 2005-2015 |
| Peter Nalli | 2012-2013 |
| Brian Daniels | 1998-2008 |
| Marty Chester | 1995-1998 |
| Katherine Troy Rau | 2001-2004 |
| Aaron Myers | 2001-2002, 2009-2013 |
| Burns Strider | 2000-2006 |
| Loree Cook-Daniels | 1983-1990 |
| Dayle Lewis Cristinzio | 2000-2011 |
| David J. Oliveira | 1995-2002 |
| Rob Barron | 2002-2015 |
| Caroline Fredrickson | 1986-1987, 1996-2004 |
| Rachel Sherman | 2003-2004 |
| Jeff Jacobs | 2003-2005 |
| Caroline Chambers | 1990-2001 |
| Deborah Lanzone | 1991-2011 |
| Oliver J. Kim | 2003-2011, 2013-2014 |
| Frances Marquez | 2010-2011, 2013-2015 |
| Melanie Sloan | 1992-1998 |
| Brendon Gehrke | 2011-2015 |
| Chris Schwarz | 2006-2010 |
| Hisham Abdelhamid | 2011-2015 |
| Courtney Carson | 2009-2012 |
| Jeffrey Regan | 1999-2008 |
| Amelia Thomas | 2006-2011 |
| Kristen Kreple | 2009-2012 |
| Dannie Diego | 1999-2004 |
| Juan Garcia | 2005-2007 |
| Patrice Bugelas | 1973-1977 |
| Ian Rayder | 2005-2015 |
| Marsha Catron | 2008-2012, 2017 |
| Ashley Bauman | 2014 |
| Andrea Levario | 1987-1990 |
| Cheye-Ann Corona | 2015-2017 |
| Christie Appelhanz | 2003-2006 |
| Kate deGruyter | 2009-2015 |
| Jasmine Smith | 2013-2015 |
| Christopher Hartmann | 1999-2013 |
| Blanchi Roblero | 2011-2012 |
| Kim Glas | 2000-2009 |
| Anthony Walters | 2013-2017 |
| Srinu Sonti | 2007-2011, 2012-2015 |
| Mark de la Iglesia | 2003-2009 |
| Jennifer Storipan | 2001-2004, 2013-2017 |
| Sarah Crawford | 2011-2015 |
| Tom Kraus | 2006-2010 |
| Amanda Miller | 2003-2004, 2010 |
| Benjamin Halle | 2010-2015 |
| Jason Abel | 2007-2011 |
| LC Ward | 1985-1995 |
| Ty Cobb | 2009 |
| Mike Pierce | 2007-2011 |
| Katharine Ferguson | 2006-2013 |
| Dave Matsuda | 2002-2009 |
| Virginia Mosqueda | 2003-2007 |
| Melinda Medlin | 2000-2002, 2009-2015 |
| Cristina Finch | 1995-1996, 2004-2005 |
| David Harwood | 1987-1993 |
| Alan K. Bruce | 1987-2014 |
| Jason Fizell | 2007-2008 |
| Kay (Mary C) King | 1987-1990 |
| Evan Lips | 2004-2006 |
| Lisa Kaplan | 2014-2015 |
| Jay Bhargava | 2016-2017 |
| Eric C. Hallstrom | 2004-2005 |
| Michael G. Shields | 1976-1980, 1987-1993 |
| Cedric Diakabana | 2010-2016 |

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|---|---|---|---|
| Audrey Cortes | 2011-2014, 2016 | Liz Tankersley | 1976-2001 |
| Sally Canfield | 1995-1999, 2006-2008, 2011-2015 | Julia Drost | 2008-2012 |
| Peter Loge | 1993-1996, 1997-1999, 2009 | Karen Olick | 1993-2005 |
| Sharone Jona | 1999-2001 | Sarah Baldauf | 2010-2013 |
| Stefanie Austin | 2012-2014 | Betsy Mullins | 1993-1999 |
| Megan Roehl | 2010-2013 | Diana Ramirez | 2004-2005 |
| Kari Johnson | 2013-2015 | Morgan Pottle Urquhart | 2007-2012 |
| Chris Rackens | 2010-2017 | Douglas Kaplan | 1978-1979 |
| Holly Fechner | 1999-2007 | James M. Oakes | 1980-1994 |
| Brittany Jablonsky | 2014-2015 | Judith Miller Jones | 1969-1971 |
| Jordanna Davis | 2006-2009 | Mayra Alvarez | 2005-2010 |
| John Richter | 2009-2017 | Lillian Pace | 2002-2010 |
| Bill Corr | 1977-1993, 1998-2000 | David Reich | 1981-1991, 1993-2014 |
| Jordan Higgins | 2005-2010 | Patrick Henning | 1996-1999 |
| Ranit Schmelzer | 1987-2004 | Frank Clemente | 1989-1995 |
| Pablo Rojas | 2013-2015 | Christine Pelosi | 2001-2005 |
| Rachel Fenton | 2003-2010 | Peter Quaranto | 2008-2010 |
| Shurid Sen | 2007-2012 | Carmela Clendening | 2005-2010, 2012-2013 |
| Jennifer Sisk | 2008-2010 | Amanda Slater | 2009-2014 |
| Harmeet Kaur | 2012-2013 | Scott Garfing | 2013-2016 |
| Madeline Gitomer | 2006-2010 | Linda H Donahue | 1987-1991 |
| Paul Batcheller | 1996-2004 | Joshua Taylor | 2003-2011 |
| Ben Nathanson | 2009-2013 | Alexis Gelperin Ryan | 2007-2009 |
| Alex Glass | 2001-2011 | Bruce Andrews | 1990-1997, 2009-2011 |
| Marie Howard | 1974, 1980-1982, 1983-2010 | Vic Miller | 1979-1980 |
| Sharona Sokolow | 2006-2008 | Jason Harris | 2003-2005, 2008-2013 |
| Jill Bucceri | 2001-2003 | Kate Eltrich | 2001-2009 |
| Hannibal Kemerer | 2005-2010 | Elise Hoffmann | 1987-1994 |
| James Scott Adkins | 2012-2016 | Alan Lopatin | 1981-2014 |
| Dave Hoffman | 2005-2012 | Chad Stone | 1987-1995, 2001-2007 |
| Christina Chen | 2014 | Robert Mann | 1985-2003 |
| David Lemmon | 1990-2005 | Eva Hicks | 2014-2017 |
| Todd Deutsch | 2009-2015 | Katharine Reinhalter Bazinsky | 2002-2007 |
| Andrea Harris | 2008-2011 | Camilla Vogt | 2014-2017 |
| Anna Rowland | 2010-2011 | John Sassaman | 2001-2014 |
| Roger Sherman | 1988-1992, 2007-2013 | Lindsey L. Lopez | 2004-2007 |
| Joshua Tonsager | 2009-2014 | Heidi Elder | 1990-1993 |
| Terrell Halaska | 1997-1999 | Laura Kaloi | 1991-1994 |

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|---|---|---|---|
| Joanna Kuebler | 2003-3019 | Lisa Pena | 2008-2009 |
| Lisa Moreno | 1989-1997 | Duane (Lakich) Muller | 1992-1994 |
| Megan Awerdick Pierson | 2004-2005 | Ally Coll Steele | 2013, 2017 |
| Doug Ingalls | 2005-2007 | Bret Rumbeck | 2002-2010 |
| Stina Skewes-Cox Trainor | 2007-2014 | Allison Rochford | 2008-2013 |
| Stephanie Cherkezian | 2009-2010, 2012-2013 | Erin Burns | 2011-2015 |
| Mary Jeka | 1985-1992 | Rebecca Naser | 1990-1994 |
| Kip Payne | 2008-2012 | Sally Ericsson | 1982-1990 |
| Ruth Friedman | 2001-2013 | Ellen Globokar | 1986-1992 |
| Scott Gerber | 1999-2008 | Kristi Walseth | 1977-2005 |
| Mary Conley | 2008-2011 | Prue Fitzpatrick | 2009-2014 |
| Ashley Roybal | 2007-2013 | Scott Exner | 2007-2011 |
| Gus Zimmerman | 2010-2013 | Nora (Smith) Lockton | 2002-2004 |
| Ricki Seidman | 1991-1992 | Muftiah McCartin | 1976-2010 |
| Melissa Feld | 1999-2005, 2009-2011 | Chloe White | 2007, 2009-2011 |
| Kate Emanuel | 1997-2002 | Elizabeth Shepherd | 2011-2015 |
| Susan F. Wood | 1990-1995 | Alex Formuzis | 2000-2007 |
| Allison Preiss | 2008-2014 | langston emerson | 2001-2003, 2004-2005 |
| Jaimie Vickery | 2000-2008 | Barbara Feinstein | 1999-2002 |
| Dominick Washington | 2000-2002 | Lauren Roberts | 2009, 2011-2013 |
| Rachel Bird Niebling | 2009-2014 | Bridget (Flynn) Hagan | 1998-2001 |
| Steven Collens | 1993-1999 | Howard Homonoff | 1981-1982, 1987-1992 |
| Michael Robbins | 2004-2011 | Adam Newman | 2009-2012 |
| Carolyn Gluck | 1996-2014 | Carol Bergman | 1989-1994 |
| Nissa Hiatt | 2007-2011 | Sarah Walzer | 1989-1993 |
| Hal Connolly | 2007-2015 | Kyle M. Mulhall | 1996-2004 |
| Jeani Murray | 1997-2000 | Susan Goldberg | 1980-1981 |
| Joe Bonfiglio | 2003-2011 | JoElyn Newcomb | 1991-1997 |
| Emily Shetty | 2008-2012 | C. Lofgren | 2012-2014 |
| Emily Amick | 2014-2017 | Michelle Graff | 2013-2014 |
| Patricia B. Williamson | 1983-1984, 1986-1993 | Leroy Towns | 1981-2003 |
| Rima Cohen | 1987-1997 | Tadd Johnson | 1990-1995 |
| Adam Gluxk | 1994-1999, 2001-2003 | Will Terry | 2008-2012 |
| Valerie Baron | 2007-2009 | Mark Jimenez | 2013-2015 |
| Jon Atlas | 2001-2006 | William Stelle | 1979-1993 |
| Michelle Mundt | 1988-1994 | Sharon Courtney | 1988-1994 |
| Jessica Gordon | 2008-2015 | Alexandria Dery | 2008-2011 |

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| Adam Hughes | 2009-2012 |
| Chris Treanor | 2005-2009 |
| Brecke Latham | 2006-2012 |
| Rachel Stauffer | 2008-2011, 2013-2015 |
| Jeff Ziarko | 2003-2012 |
| Mike Ferrari | 2001-2004, 2009-2011 |
| Diana Ohlbaum | 1984-2013 |
| Sarah Bolton | 2007-2017 |
| Renata Strause | 2007-2010 |
| Mark Bayer | 1993-1996, 2002-2015 |
| Celeste Brown | 2001-2015 |
| Kristin Holman Olson | 1996-1997, 1999-2001 |
| Michael Yang | 1997-2001 |
| Tamara Fucile | 1995-1999, 2007-2011 |
| Alaina Lynch | 2008-2010 |
| Michael A. DiNapoli Jr. | 2010-2017 |
| Pauline Abernathy | 1989-1992 |
| Robyn Lieberman | 1992-1997 |
| Jamie Serlin | 2012-2014 |
| Diane Wilkinson | 2007-2013 |
| Margo Rusconi | 2016 |
| Tommy Ross | 2002-2014 |
| Jocelyn Alt | 2008-2010 |
| Fayzan Gowani | 2011-2013 |
| Emily Schlichting | 2013-2014, 2017 |
| Marjan Ghafourpour Philhour | 1991, 1996-2001 |
| Patricia B. Readinger | 1997-1999, 2001-2011 |
| Nahali Croft | 2003-2005, 2008-2011 |
| Elizabeth Malaspina Coe | 1998-1999 |
| Kyle Brown | 2010-2013 |
| Heather Silber Mohamed | 1998-2001, 2003-2006 |
| Snider | |
| Matthew Greenwald | 1990-1997 |
| Jim Stowers | 1999-2011 |
| Betsy Boyd | 1987-2000 |
| Kevin Rennert | 2008-2015 |
| Daniel Taylor | 2008-2016 |
| Edward Brigham | 1980-1995 |
| Lindsey Davis Stover | 2001-2010 |
| David Moulton | 1978-1980, 1985-2008 |
| Lenace Edwards | 2016 |
| Cliff Stammerman | 1999-2010 |
| Shana Stribling Marchio | 1999-2009 |
| Diane Gross | 2002-2005 |
| Jolene Grabill | 1987-1988 |
| Elizabeth Baltzan | 2012-2016 |
| Margie Glick | 2009-2012 |
| Joseph J. Minarik | 1981-1984, 1988-1993, 2001-2005 |
| Thomas Garwin | 1991-1995 |
| Sarah N. Knutson | 2010-2012 |
| Tobin Dietrich | 2007-2008 |
| Nathan Britton | 2004-2009 |
| Jason Rauch | 2004-2016 |
| Fredrica Mayer | 2006-2007 |
| David Nelson | 1979-2009 |
| David Lyons | 2009-2011 |
| Deborah von Zinkernagel | 1990-1994 |
| Alexander McDonough | 2006-2016 |
| Jetta Wong | 2009-2012 |
| Elysa Smith | 1981-2010 |
| Catherine Shieh | 2012, 2014 |
| Ruth Hupart | 2009-2012 |
| Blake Anderson | 2009-2015 |

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| Amanda Nelson | 2010-2013 |
| Alice Cain | 1989-1995, 2004-2009 |
| Casey Babbitt | 2012-2015 |
| Jessica Vanden Berg | 1999-2001, 2012, 2013-2014 |
| Andy Schneider | 1979-1996, 2007-2010 |
| Vanessa Wellbery | 2005-2010 |
| John Blair | 1997-2000, 2009-2013 |
| Andrew Garin | 2009-2011 |
| Linda Forman Naval | 2007-2013 |
| Nicole Kunko | 2002-2011 |
| Laura Keiter | 2008-2012 |
| Carrie Chess | 2007-2010 |
| Rori Kramer | 2000-2005, 2009-2012 |
| Erik Jones | 2007-2013 |
| John Monahan | 1989-1992 |
| Maggie Jo Buchanan | 2014-2016 |
| Barbara Larkin | 1986-1993 |
| Elliot Gillerman | 2009-2010 |
| Winter Leigha Torres | 2000-2002 |
| Bruce Lesley | 1990-1991, 1993-1997, 1999-2006 |
| Brian Mahar | 2001-2007 |
| Maria Worthen | 2009-2012 |
| Dan Murphy | 2007-2010 |
| Joshua Sharfstein | 2001-2005 |
| Karen Nelson | 1974-2014 |
| Rebecca Weir | 2000-2002 |
| Don Hoppert | 1994-1998 |
| Johanna Berkson | 2003-2007 |
| Peter Yeo | 1985-2009 |
| Meghan McGuire | 2000-2003 |
| Jordan M. Haas | 2001-2007 |
| Dan Beattie | 1990-2003 |
| Jared Solomon | 2014-2017 |
| M. Susan Logue | 1982-1986 |
| Ryan Fitzpatrick | 2007-2011 |
| Catherine Blue Holmes | 1999-2002 |
| Kenneth Johnston | 2005-2006 |
| Valerie Mims | 1988-1992 |
| Tia Shuyler | 2015 |
| Marie Verbeten | 2011-2013 |
| Amy Schultz Berman | 2006-2013 |
| Matthew Handverger | 2014-2016 |
| Jennifer Pike Bailey | 2011-2012 |
| Julie Mulvee | 2000-2003 |
| Jeremy Rabinovitz | 1987-2007 |
| Jessica Kershaw | 2007-2012 |
| Sarah Dohl | 2008-2012 |
| Jenny Waits | 2010-2014 |
| Matthew Vallone | 2009-2010, 2013 |
| Sebastian Sobolev | 2009-2010 |
| Lucy Cox-Chapman Dagneau | 2006-2008 |
| Amelia Jenkins | 1999-2015 |
| Joel Riethmiller | 2007-2011 |
| Celia Richa | 2008-2011 |
| Emily Bittner | 2011-2014 |
| Brian McLaughlin | 2001-2005 |
| Ryan Crowley | 2002-2008 |
| Matthew Groch | 2007 |
| Adam Shifriss | 2009-2012 |
| Zachary Moller | 2011-2014 |
| Davida Farrar | 2007-2012 |
| Demian Moore | 2003-2006 |
| Angela Hanks | 2010-2012 |
| Drew Littman | 1989-1997, 2009-2011 |
| Jeremy Wilson-Simerman | 2006-2008, 2012-2014 |
| Jesse Barba | 2010-2015 |
| David Michael Wescott | 1993, 1999-2002 |
| Stan Collender | 1975-1981 |
| Andrea Pivarunas | 2008-2016 |
| Adam Harbison | 2011-2016 |

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| James Ahumada | 2011-2014 |
| Jennifer Crider | 1996-2007 |
| Caren Auchman | 2005-2009, 2010-2011 |
| Jessica Gregg | 2009-2011 |
| Chris Peacock | 1985-1993 |
| Michael Aylward | 2012-2013 |
| Justin Kissinger | 2009-2012 |
| Nicole Chan | 2015-2017 |
| Michelle Adams | 1999-2001, 2005-2012 |
| Morgana Carter | 2009-2010 |
| Michele Reilly Hall | 1985-2014 |
| Liz Oxhorn | 2005-2007 |
| Jaime R. Harrison | 2002-2008 |
| Robert C. Gustafson | 1987-1995 |
| Ashley Ridlon | 2006-2010 |
| Anne Nelson | 2006-2017 |
| Jessica Maher | 2004-2009 |
| Jessica Leong | 2007-2008 |
| Komaki Foster | 2012-2015 |
| Tiffany Benjamin | 2009-2013 |
| Kate Alexander | 2006-2007, 2009-2011 |
| Liz Fowler | 1999-2005, 2008-2010 |
| Jennifer Surovy | 2002-2006 |
| Rebecca Litt | 2001-2005 |
| Sean Sweeney | 1999-2008 |
| Ingrid Duran | 1990-1996 |
| Jordan Bennett | 2013-2014 |
| Praveen Fernandes | 1994 |
| Aileen Crawford | 1989-1996 |
| Frederick Isasi | 2007-2011 |
| Judith Glassgold | 2010-2012 |
| Jenilee Keefe Singer | 2006-2010 |
| Carren Crossley | 1999-2008 |
| Sarah Kuehl Egge | 1998-2012 |
| Susan Emmer | 1988-1994 |
| Lisa Salerno | 2003-2011 |
| Eliza Rose | 2007 |
| Billy Wynne | 2006-2008 |
| Michael Conathan | 2006-2011 |
| Kate Tankersley | 2006-2012 |
| Brian Castro | 2012 |
| Jeremy Haile | 2008-2012 |
| Soledad Roybal | 1995-2000, 2009-2012 |
| Julia Nash | 2006-2010 |
| Kerry O'Brien | 2009-2017 |
| Rich Tarplin | 1981-1993 |
| Julie Lane | 1991-1995 |
| Laurelie B. Wallace | 2006-2007 |
| Mary Carroll | 1988-1992 |
| Roy Loewenstein | 2015-2017 |
| Francesca Fierro O'Reilly | 1992-1998 |
| Kate Drennan | 2005-2009 |
| Amanda Chavez Doupe | 2003-2005 |
| Stephanie Albanese | 2009-2011 |
| Deborah Dunn | 1973-1978, 1979-1982 |
| Scott Goldstein | 2005-2015 |
| Mitchell Schwenz | 2008-2010 |
| Aly Lubov | 2010-2015 |
| Beth Osborne | 1997-1999, 2005-2009 |
| Aaron Levy | 2003-2006 |
| Lia Seremetis | 2010-2012 |
| Nicole Silverman | 2016-2017 |
| Simon Muller | 2009-2010 |
| Manpreet Singh Anand | 2007-2008 |
| Brian Barrie | 1997-2005 |
| Ellen Hoffman | 1970 |
| Jennifer Hanley | 1992-1996, 2002-2007 |
| Emily McLaughlin | 2013-2014 |
| Conor Cahill | 2011-2017 |
| Paul L. Fadelli | 1974-1981 |
| Sam Burnett | 2007-2008 |
| Meredith Wise | 2009-2010 |
| Rod Hsiao | 1988-1992 |
| Liz Smith Currie | 1989-1995 |
| Caroline Cowan | 2005-2008 |
| Andy Davis | 1996-2006 |
| Ellen Marshall | 1985-1992 |
| Haley Dorgan | 2016-2017 |

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|---|---|---|---|
| Shawn Daugherty | 2007-2010 | Julie Philp | 2001-2006 |
| Julie Kashen | 1996-1998, 2001-2005 | Edward B. Zukoski | 1987-1989 |
| James Wise | 2004-2017 | Lisa Weil | 1987-1989 |
| Grant Couch | 2005-2011 | Jeb Fain | 2013-2014 |
| Michele Nellenbach | 1995-2007 | Rosie Krueger | 2008-2012 |
| Kelly Berens Gleeson | 2008-2011 | Kevin Fink | 2008-2013 |
| Michele Stockwell | 1992-1995, 1999-2004, 2007-2010 | Debbie Forrest | 1997-2003 |
| Holly Bode | 1985-1993 | Lisa Learner Maher | 1981-1988 |
| Sara Steines | 2008-2010 | Karen Courington | 2011-2014 |
| Laura Hall | 2003-2010 | Janet Schuessler McUlsky | 1978-1981 |
| Brian Branton | 1998-2014 | Marcus Woodson | 2009-2013 |
| Megan Murphy Wolf | 2003-2009 | Jennifer Simon | 1998-2000, 2002-2009 |
| Patrick McLain | 1975-1988 | Josh Freed | 2002-2007 |
| Ron Legrand | 2009-2015 | Adam M. Lowenstein | 2009-2017 |
| Melanie French | 2010 | Kiran Bhatraju | 2006-2009 |
| Joy Drucker | 1993-1999 | Leslie Gross-Davis | 2005-2010 |
| Janko Mitric | 2001-2004, 2007-2010 | Wayne Binkley | 2006-2016 |
| Jennifer George-Nichol | 2014-2016 | Lauren Lattany | 2007-2016 |
| Alec Gerlach | 2005-2009, 2012-2013 | Chris Jones | 1991-1993 |
| Stephen Mott | 2006-2009 | Sally Lovejoy | 1980-2006 |
| Matt Glassman | 2007-2017 | Sheila F. Maith | 1998-2001 |
| Lisbeth Zeggane | 2008-2010, 2013-2015 | Channon Hanna | 2002-2008 |
| Laurie Hirschfeld Zeller | 1982-1986 | Emily Lockwood | 2004-2006 |
| Jessica Kuron | 2013-2016 | | |

*Signers indicated their years of service, and employing offices, when they signed this letter. The signers have been vetted to the best of our ability to verify employment.

Ms. SPEIER. With that, I yield back.
[The statement of Ms. Speier follows:]

**Committee on House Administration**
**Hearing "Preventing Sexual Harassment in the Congressional Workplace"**
**November 14, 2017**
**1310 Longworth House Office Building**

Chairman Harper, Ranking Member Brady, and Members of the Committee on House Administration, thank you for inviting me to testify today.

Since I started #MeTooCongress by sharing my own story, my office has been inundated with calls from current and former Hill staffers subjected to inexcusable behavior and sexual assault. From comments like "Are you going to be a good girl?," to harassers exposing their genitals, to victims having their private parts grabbed on the House floor, women and men have trusted me with their stories. All they asked in return was that we fix our abusive system and hold the perpetrators accountable.

I've been working on this issue since 2014 and believe there are three steps Congress can take to fix this inexcusable problem. The first step is to require sexual harassment prevention and response training every year for both Members and staff, just like ethics and cybersecurity training. This is a simple change of the House Rules, and there is already committee and bipartisan support for my bill, H.Res. 604, that would do this. A special thanks to Ranking Member Brady and to Congressmen Costello and Poliquin for their leadership on this legislation.

Second, we can't fix what we don't know about. In my experience working on sexual harassment and sexual violence on college campuses, in academia, and in the U.S. military, climate surveys are key to recognizing the scope of the problem and to evaluating the effectiveness of reforms. That's why Congress should institute a Congressional climate survey every two years.

Third, we must reform the broken dispute resolution process. Under the current process, congressional employees are, at best, unaware or confused and at worst are utterly betrayed. This flow chart shows the current process:

**[POINT TO FLOW CHART**
**ON SCREEN]**

When an employee goes to the Office of Compliance to make a complaint, they are first subject to 30 days of confidential counseling with an OOC legal counselor. This time period may be shortened, if the employee agrees to go straight to mediation.

But before beginning mediation, the employee must agree to a nondisclosure agreement – not just regarding the topics discussed in mediation, which is common practice, but one that forbids them from mentioning anything at all to anyone. Employees are entirely alone for at least another 30 days, with no support from their families or religious leaders.

Additionally, the harasser and the Member's office are represented for free by House of Representatives counsel, but the employee must pay for his or her own legal representation.

I have also heard from mediators who say the Congressional process is atypical in that the survivors don't have the option to be in separate rooms as the defendant's counsel and that survivors are often addressed in an aggressive manner.

If the employee makes it this far, they endure an additional 30 day cooling off period before they are finally allowed to file a formal complaint, either with the OOC or Federal District Court.

Throughout this agonizing time, the employee must continue to work in his or her office alongside the harasser, without saying a word to friends or family, and while their employer knows that they are engaged in mediation or pursuing a complaint.

For the few survivors who secure a settlement, there is no disclosure of the office involved or the amount of funds paid. Taxpayers foot the bill and the harasser goes on with his or her life.

Meanwhile, the survivor is faced with personal, professional, and financial catastrophe. Is it any wonder that many staffers never file formal complaints? There is zero accountability and transparency.

In closing, I want to reiterate that I am heartened by the outpouring of support from my colleagues on both sides of the aisle about the need for legislation to address these issues.

Additionally, I was delighted to see that last Thursday a bipartisan group of Senators, led by Senators Grassley, Feinstein, Klobuchar, Gillibrand, and Ernst, passed a companion to our anti-harassment mandatory training resolution in their Chamber.

In the House, I have put forward two proposals, and I look forward to working with the Committee to make sure that we protect the vulnerable, provide accountability to our

constituents and our taxpayers, and meet the highest standards of how to prevent and respond to sexual harassment.

Thank you.

The CHAIRMAN. Thank you, Congresswoman Speier, for that very powerful and insightful testimony that you have given us today.

The Chair will now recognize Representative Bradley Byrne for the purposes of an opening statement.

We look forward to hearing from you, Congressman Byrne, on your experience to let us know what is happening in the private sector and your time that you spent working on those cases. So the Chair now recognizes you for 5 minutes.

**STATEMENT OF THE HON. BRADLEY BYRNE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA**

Mr. BYRNE. Thank you, Chairman Harper and Ranking Member Brady, Members of the Committee. I appreciate the opportunity to testify before you today on this important topic.

The Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, sex, national origin. In 1986, sexual harassment was recognized by the Supreme Court as a violation of title VII. In 1995, Congress passed the Congressional Accountability Act, or CAA, subjecting us to title VII.

Based on my prior experience and recent research into the current policies regarding harassment here in Congress, I want to make a few observations and offer some of my own suggestions.

First, we need to mandate harassment training. I strongly believe the House should require mandatory sexual harassment training for all Members and employees. Recent events have demonstrated that training, while available to Members of Congress and employees, is underutilized. I will also note that mandatory training at the House is not unprecedented and is already required for ethics and computer security.

There are also multiple harassment trainings currently provided by different congressional support offices. It is my opinion that this Committee should settle on one high-quality training product to make sure that all House employees are trained in the same manner.

Number two, we should consider a universal harassment policy for all House employees. Although not required by law, creating and enforcing antiharassment policies is now a near universal norm in the private sector. As you are aware, each individual congressional office is an independent hiring authority, and each office has its own policies. Given the unique nature of House employment, it is my opinion that a uniform, universal antiharassment policy based upon the CAA and applicable to all House Members and employees would be much more effective in curbing unwanted sexual harassment than the current patchwork of different harassment policies that we have today throughout offices on Capitol Hill. With a universal policy, the training of House employees would be simplified and made consistent across the House.

Number three, we should examine the Congressional Accountability Act to consider improvements to the complaint and enforcement process. It has been over 20 years since Congress enacted the Congressional Accountability Act. I believe this is an opportune time to revisit and consider revisions to this important statute. The statutory provisions governing harassment claims in the legislative

branch are different than those that govern private sector employment and other public employees.

In the private sector, the EEOC administers and enforces laws against workforce discrimination. The EEOC investigates discrimination complaints based upon a protected class. The process begins by an aggrieved party filing a charge with the EEOC. The EEOC then has the option to request the parties engage in mediation. However, mediation is not required for either party. If mediation is not requested or it is unsuccessful, the EEOC has investigatory power, including subpoena power. After the investigatory process is complete, the EEOC has the right to bring a case upon an aggrieved individual's behalf or to issue the individual a right-to-sue letter allowing the aggrieved party to bring litigation.

In contrast, the Office of Compliance has no investigative authority and cannot prosecute harassment claims, and the CAA requires mandatory counseling, as Ms. Speier pointed out, for those making claims. We should work to bring the OOC process and authority in line with that of the Equal Employment Opportunity Commission.

Other suggestions for revisions to the act, in my opinion, would include subjecting our unpaid workforce, such as interns, pages, and fellows, to the act's antidiscrimination provisions. Certainly, these changes will increase the workload of the OOC, and we need to be prepared to provide them the necessary appropriations.

Fourth, we need to increase Member accountability. Given the constitutional nature of our offices, Member-on-Member sexual harassment is not something where harassment law and the employment structure can easily be applied. In this matter, it is my opinion that we must exercise our constitutional duty to discipline our own membership. I believe we should adopt a specific policy for this kind of behavior in our code of official conduct, more expressive than the one we presently have, that would send a signal that Member-on-Member sexual harassment will not be tolerated and that Members of this body support those being harassed in reporting these incidents to the Ethics Committee.

Moreover, while an employee may be able to obtain monetary relief under the CAA, a settlement or judgment is paid by the taxpayers. Personally, I find this unacceptable. If a Member of Congress settles a claim as the harasser or is found liable as a harasser, it is my belief that the Member should be personally liable or required to be repay the Treasury for such damages. Furthermore, any payment out of the Treasury in response to a claim of discrimination or harassment by a House office should be made in a manner that is fully transparent.

Finally, it is my opinion that, given the inherent power differential between a Member and their staff that they supervise, we should include a strict prohibition on Members engaging in a sexual relationship with staff under their direct supervision.

In closing, I appreciate the opportunity to share my observations and would be happy to provide more information to the Committee as necessary.

[The statement of Mr. Byrne follows:]

***Testimony of Representative Bradley Byrne***

Chairman Harper and Ranking Member Brady, I appreciate the opportunity to testify before you today on this important topic.

I know I speak for the vast majority of my colleagues in the House - Republicans and Democrats - in saying that recent allegations of sexual harassment occurring in the congressional workplace are both disturbing and unacceptable. Based upon my conversations with many of you, I know that the Members of this Committee and the Ethics Committee take this issue with utmost sincerity. As a rank-and-file member, I thank you for your work.

Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, sex, or national origin. In the 1980s, the Equal Employment Commission ("EEOC") began recognizing sexual harassment as a form of sex discrimination under Title VII. In 1986, sexual harassment was recognized by the Supreme Court as a violation of Title VII. In 1991, Congress allowed aggrieved parties to obtain jury trials and recover compensatory and punitive damages. And, in 1995, Congress passed the Congressional Accountability Act of 1995 ("CAA"), subjecting the Legislative Branch to numerous employment statutes, including Title VII of the Civil Rights Act and its prohibition against sexual harassment.

Before being elected to the House in 2013, I spent over 30 years in the private practice of law with a specialty in labor and employment. As part of my practice, I advised businesses on harassment policies and procedures. I conducted and implemented training for employees and employers. I also litigated numerous sexual harassment cases and oversaw dozens of investigations in allegations of harassment. My years

in practice corresponded with the development of the vast majority of case law governing sexual harassment practice in the workplace.

Based on my prior experience and recent research into the current policies regarding harassment here in Congress, I want to make a few observations and offer some of my own suggestions to help bring the House in-line with policies and procedures that are prevalent in private sector. Some of these ideas could be implemented immediately while others would require long-term work of this committee through the legislative process.

**1. Mandate Harassment Training.**

Sexual harassment training is already common practice in the private sector workplace. I strongly believe the House should require mandatory sexual harassment training for all House employees. Recent events have demonstrated that training, while available to Members of Congress and House employees, is underutilized.

Training is important to both inform regarding what constitutes harassment but also to provide individuals with ways to seek recourse. Last year, the Office of Compliance ("OOC"), which is responsible for the process of adjudicating employment claims against congressional offices had only five claims filed in both the House and the Senate. Given the thousands of individuals who work in the Congress, it is apparent that many do not know they have recourse against unwanted sexual harassment or do not know how to respond if they are faced with sexual harassment. Mandatory training would go a long way towards raising awareness and remedying this situation.

I will also note that mandatory training in the House is not unprecedented and already required for ethics and computer security.

There are also multiple harassment trainings currently provided by different congressional support offices. It is my opinion that this Committee should settle on one, high-quality training product to make sure that all House employees are trained in the same manner.

**2. Consider a Universal Harassment Policy for all House Employees**

Although not required by law, creating and enforcing anti-harassment policies is now a near universal norm in the private sector.

As you are aware, each individual congressional office is an independent hiring authority. We likely all agree that this is important to maintain an independent and effective Legislative Branch. However, congressional employment is unique. Employees often move around between office-to-office or have multiple employing offices. Employee managers and Members are also frequently lacking in previous private sector management experience. And, of course, taxpayers foot the bill for our employee's salaries and pay the bill when there is unlawful harassment. The powerful monetary incentive on business owners to adopt and enforce anti-harassment policies can thus be missing in the public sector.

Given the unique nature of House employment, it is my opinion that a uniform, universal anti-harassment policy, based upon the CAA and applicable to all House employees, would be much more effective in curbing unwanted sexual harassment than the current patchwork of different harassment policies that we have today throughout offices on Capitol Hill. Congressional offices could, of course, supplement this policy, as they can with most other universal policies governing Hill employment.

With a universal policy, no employee would be without a written policy governing their conduct or unaware of their rights. Moreover, the

training of House employees would be simplified and made consistent across the House. Current training available has many references to "what your office policy probably contains." With a universal policy, all Members and staff would know the rules of the road and what was expected of them.

We already have uniform policies on things such as reimbursement and technology. One policy covering all employees, in my opinion, would in no way disrupt the important role independent hiring authority plays in the Legislative Branch and would be beneficial to curbing sexual harassment.

**3. Examine the Congressional Accountability Act and Consider Improvements to the Complaint and Enforcement Process.**

It has been over twenty years since Congress enacted the Congressional Accountability Act. I believe this is an opportune time to revisit and consider revisions to this important statute.

The statutory provisions governing harassment claims in the Legislative Branch are different than those that govern private sector employment and other public employees. In the private sector, the EEOC administers and enforces laws against workplace discrimination. The EEOC investigates discrimination complaints based upon a protected class, and retaliation for reporting, participating in, and/or opposing a discriminatory practice.

The process begins by an aggrieved party filing a charge with the EEOC. The EEOC then has the option to request the parties engage in mediation; however, mediation is not required for either party. If mediation is not requested or is unsuccessful, the EEOC has investigatory power, including subpoena power. After the investigatory process, the EEOC has the right to bring a case upon an aggrieved

individual's behalf or to issue the individual a right to sue letter, allowing the aggrieved party to bring litigation. In most circumstances, the EEOC must issue a right to sue letter after 180 days, allowing an individual the right to bring litigation in court.

In contrast, the CAA process for Legislative Branch employees provides for a mandatory dispute resolution process. An aggrieved party must go through a period of counseling with the OOC, generally for 30 days. Next, the aggrieved party is required to participate in mandatory mediation. Only if mediation fails does the aggrieved party have the right to pursue a claim in an administrative proceeding or in federal court.

Although a mandatory, informal dispute resolution process for discrimination claims has its advantages, I believe we should consider updating the process to be in line with the EEOC process.

In my opinion, the OOC would likely benefit from investigatory authority and, like the EEOC, should look to remedy sexual and other forms of harassment and discrimination, rather than adjudicate it. Informal dispute resolution should be optional to the parties, not required. Similarly, although I support counseling options for House employees subject to discrimination, I do not believe an aggrieved individual should be required to obtain counseling in order to pursue their rights in a harassment claim, and confidentiality should not be forced upon an aggrieved individual. And, like the EEOC, I believe aggrieved individuals should have a right to sue after a certain period of time has elapsed.

Such an overhaul of the CAA would be a major undertaking and this committee should, of course, be thorough in the legislative process. We

must ensure that the same due process rights employers have with the EEOC are preserved for those accused in the congressional workplace.

Other suggestions for revisions to the CAA, in my opinion, would include subjecting our unpaid workforce, such as interns, pages, and fellows, to the Act's anti-discrimination provisions.

Certainly, these changes could increase the workload of the OOC, and as a body, we need to be prepared to provide the necessary appropriation to allow the OOC to do this work.

**4. Increase Member Accountability**

Often, I say that one of the things that has impressed me most in my time in Congress is the quality of the membership of this body, Republicans and Democrats. Most of us take very seriously the first Rule in the Code of Official Conduct that "a Member . . . shall behave at all times in a manner that shall reflect creditably on the House." For that reason, I know everyone in this room was deeply concerned to hear recent allegations that member-on-member sexual harassment has and continues to be a problem in our institution.

Given the constitutional nature of our offices, member-on-member sexual harassment is not something where harassment law in the employment structure can easily be applied. In this matter, it is my opinion that we must exercise our constitutional duty to discipline our membership.

I am certain that if presented with a claim of member-on-member sexual harassment, the Ethics Committee will take such allegations with the utmost seriousness under the authority already available to that committee. However, given the uncomfortable nature of these claims, I believe enshrining a specific policy for this kind of behavior in our Code

of Official Conduct would send a signal that member-on-member sexual harassment will not be tolerated and that members of this body support those being harassed in reporting these incidents to the Ethics Committee. Chairman Brooks, I appreciate your presence here today, and I look forward to working with you further on this proposal.

With regard to claims of sexual harassment between a Member and a staff person, I know the Ethics Committee also takes these matters very seriously and has disciplined members in the past for such behavior. However, as the House Ethics Manual states, "while the Committee may conduct investigations and disciplinary hearings and make recommendations to the full House that it formally sanction a Member, the Committee does not have the authority to order remedies such as monetary relief for an aggrieved employee."

The Employee may be able to obtain monetary relief under the CAA; however, a settlement or judgment is paid by the taxpayers. Personally, I find this unacceptable. If a Member of Congress settles a claim as the harasser or is found liable as the harasser, it is my belief that the Member should be personally liable or required to repay the Treasury for such damages. Furthermore, any payment out of the Treasury in response to a claim of discrimination or harassment by a House office should be made in a manner that is fully transparent so that voters may take it into consideration.

Finally, it is my opinion that given the inherent power differential between a member and their staff that they supervise, we should include a strict prohibition on members engaging in a sexual relationship with staff under their direct supervision in the proposed House anti-harassment policy that I previously discussed.

**Conclusion**

In closing, I know I speak for us all when I say this is not and should not be a political issue. Our staff and this institution's Members should be free to do the important work our constituents sent us to do without having to worry that they will be a victim of any sort of inappropriate behavior. By quickly making some of these changes and further examining more long-term reforms, I believe we can make a significant impact on the Congressional workplace. I appreciate having the opportunity to share my perspective on these fairly complicated issues, and I appreciate the leadership of Chairman Harper and this Committee.

The CHAIRMAN. I want to thank you, Congressman Byrne, for your testimony and with your experience that you bring.

And, Congresswoman Speier, we want to thank you, as well. I know that this is such an important issue. And you have given us much to think about as we go through this review process.

So, with that, we will excuse you.

And I believe Congresswoman Speier will move up to the dais.

We will now take just a moment to get our second panel in place.

Ms. LOFGREN. Mr. Chairman, the Judiciary Committee has the Attorney General as a witness in oversight right now, so I am going to excuse myself.

[Recess.]

The CHAIRMAN. I want to thank our witnesses on the second panel for being here and taking the time to come educate us as we discuss this very serious issue of how we are going to prevent sexual harassment in Congress as we go forward.

I would now like to take a moment to introduce each of you. Ms. Barbara Childs Wallace currently serves as the Chair of the Board of Directors of the Office of Compliance. She received her undergraduate degree from Purdue University in 1973, her J.D. from Loyola University in Chicago in 1977, and an LL.M in labor law with highest honors from the National Law Center of George Washington University in 1979. Ms. Childs Wallace has worked at Carter Child and Caraway since 1983 in the field of labor law, giving her 37 years of experience in this area. She also served as chairman of the Labor and Employment Section of the Mississippi Bar Association.

And we welcome you, Ms. Childs Wallace.

Ms. Gloria Lett currently serves as Counsel to the Office of House Employment Counsel. She received her undergraduate degree from State University of New York and her J.D. at George Washington University. Prior to serving as counsel, Ms. Lett was a corporate attorney handling employment law issues and litigation for a large telecommunications company. She also served as an assistant corporation counsel representing the District of Columbia in civil litigation, as a Special Assistant United States Attorney for the District of Columbia handling criminal prosecutions, and as an attorney for the Equal Employment Opportunity Commission.

We welcome you, Ms. Lett.

The Committee has received each of your written testimonies. Each witness will have 5 minutes to present a summary of that submission.

As you know, to help you keep the time, when I recognize you, the light will be green for 4 minutes. It will turn yellow for the last minute and red when the time is up. So, at this time, the Chair now recognizes for the purposes of an opening statement Ms. Barbara Childs Wallace.

## STATEMENTS OF BARBARA CHILDS WALLACE, CHAIR, BOARD OF DIRECTORS, OFFICE OF COMPLIANCE; AND GLORIA LETT, COUNSEL, OFFICE OF HOUSE EMPLOYMENT COUNSEL

### STATEMENT OF BARBARA CHILDS WALLACE

Ms. CHILDS WALLACE. Thank you. Good morning, Chairman Harper, Ranking Member Brady, distinguished Members of the Committee of House Administration, Congresswoman Speier, and Congressman Byrne. It is an honor to be here today representing not only the Office of Compliance but its Board of Directors, which I chair. The other members of the Board are Susan Robfogel from New York, Roberta Holzwarth from Illinois, Barbara Camens from the District of Columbia, and Alan Friedman from California. And we were appointed to these part-time positions on the Board by the majority and the minority leadership of both Houses of Congress. We are required by the Congressional Accountability Act, or commonly known as the CAA, to each have professional expertise in the application of the workplace laws that apply to the legislature by the CAA. In fact, all five of us who are in private practice have decades of experience within the private sector and a few of us also within the Federal Government in both labor and employment and discrimination issues.

The CAA also requires that we are to be appointed without regard to political affiliation. Our Board has been serving since 1999, and we have worked diligently and in a nonpartisan manner during this time to try and ensure the rights of all individuals working on the Hill, that they are protected. I also want to thank the members of our staff, many of whom are here with me today. The OOC has a huge mandate from the statute, which we accomplish with approximately 20 full-time employees. They are very skilled and equally committed to the task laid out for us by the CAA.

Finally, I want to especially thank Chairman Harper, who just happens to be my Congressman from Mississippi. I am originally from the Chicago area, but for the past 34 years, I have practiced employment law in Jackson, Mississippi. It is nice to see a neighbor holding the gavel, and we appreciate the fact so much that you have called for this important hearing to take place.

As you know, Congress—and as has been testified to already—Congress created our office in 1995 under the CAA, which has incorporated 13 Federal workplace laws that are applicable in the private sector and the executive branch to the legislative community. This act designates three primary responsibilities for our office, although there are many other statutory functions that are performed in addition. First, we inspect the Capitol Grounds and the legislative branch facilities to ensure that our community is free from occupational, safety, and health hazards, and is accessible to persons with qualified disabilities. Second, and especially pertinent to the subject of this hearing, we provide an alternative dispute resolution program to covered employees who seek to assert their rights under the CAA. And, third, also pertinent to this hearing, our office maintains a robust and comprehensive outreach and education program to this community about their rights, responsibilities, and protections under the act.

In addition, the CAA mandates that our Board report to Congress every 2 years on our recommendations for changes to the CAA based on the labor and employment laws in the private sector and in the executive branch. Mr. Chairman, since 2010, our Board has zealously advocated in these biennial reports, also known as our 102(b) reports, for mandatory training on how to prevent and remedy harassment, discrimination, and retaliation of all sorts in the entire legislative community, the sort of training that is regularly performed in the private sector and in the executive branch.

It is with great satisfaction that we see that this Committee and the many lawmakers on Capitol Hill are responding to this recommendation. Before harassment can be corrected, everyone in the legislative community must understand the meaning of harassment, how to respond to it, and, more importantly, how to avoid it. Consistent with our statutory mandate to inform and to educate individuals within the legislative branch, our Board believes that mandatory training on harassment, discrimination, and retaliatory behavior will provide the best avenue to not only avoid the conduct in the future but to help transform the legislative branch into a model work environment whereby the lawmakers can and do lead by example.

This concludes my remarks, and I ask that my extended statement that has been submitted to the Committee be included in the record of this hearing.

I now looked forward to any questions that you might have. And thank you again.

[The statement of Ms. Childs Wallace follows:]

**Prepared Statement of Barbara Childs Wallace,**
**Chair, Board of Directors,**
**Congressional Office of Compliance**

Mr. Chairman and Members of the Committee: On behalf of the Board of Directors and staff of the Congressional Office of Compliance ("OOC"), I thank you for this opportunity to participate in this Committee's review of existing training, policies, and mechanisms in place to guard against, report, and seek remedy for sexual harassment in the U.S. House of Representatives.

In the last few weeks, there have been several media reports that reflect a misunderstanding of the process for legislative branch employees to bring a complaint of discrimination, harassment, or retaliation before the OOC. In particular, the process has been described as cumbersome, lengthy, and one-sided. I welcome this opportunity to clarify the OOC's procedures, explain how they work in practice, and discuss the recommendations that the Board has made to Congress over the years to make them even more effective. As I discuss below, the real problem is that many employing offices are insufficiently aware of their obligations under the Congressional Accountability Act ("CAA") and many employees are unaware of their rights under the CAA, including the right to bring their complaints to the OOC.

**Overview**

The CAA, enacted more than 20 years ago with nearly unanimous approval, protects over 30,000 employees of the United States Congress and its associated offices and agencies, including the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Congressional Accessibility Services, and the OOC. The CAA extends to employees of the legislative branch the protections of Title VII of the Civil Rights Act of 1964, as well as 12 other federal workplace statutes. Congress created the OOC to do the job of multiple agencies in the executive branch, including the Equal Employment Opportunity Commission, the Department of Justice, the Department of Labor, and the Federal Labor Relations Authority.

The OOC is composed of approximately 20 executive and professional staff and has a 5-member, non-partisan Board of Directors. Board members are appointed by unanimous consent of the majority and minority leadership of both the House of Representatives and the Senate, and they are chosen for their expertise in employment and labor law.

Among other functions, the OOC is responsible for adjudicating workplace disputes; carrying out a program to educate and inform Members of Congress, employing

offices, and legislative branch employees of their rights and responsibilities under employment laws made applicable to them through the CAA; and recommending to Congress changes to the CAA to advance the workplace rights of legislative branch employees. This Committee's important work in reviewing the policies and mechanisms in place to guard against, report, and remedy sexual harassment must begin with a clear understanding of these functions.

**Dispute Resolution Procedures under the CAA**

Subchapter IV of the CAA sets forth a 3-step process that requires counseling and mediation before an employee may file a complaint seeking administrative or judicial relief. Prior to filing a complaint with the OOC pursuant to section 405 of the Act or in the U.S. District Court pursuant to section 408, an employee must do 3 things:

First, the employee must request counseling within 180 days of the date of the alleged violation of a law made applicable by the CAA. "Counseling" is a statutory term that equates to intake. Although the OOC intake counselor does not provide the employee with legal advice, she considers the employee's concerns and "provide[s] the employee with all relevant information with respect to the rights of the employee" including information concerning the applicable provisions of the CAA. The employing office is not notified by the OOC that the employee has filed a request for counseling, and counseling between the employee and the OOC is strictly confidential. Neither the CAA nor the OOC's procedural rules require the employee's in-person attendance at intake counseling. The employee may participate in the counseling process over the telephone, or by similar means, and the employee may be represented at counseling by a representative in the employee's absence. This assists the many employees covered under the CAA who live throughout the United States, far from the Nation's capital where the OOC, with its small staff, maintains its only office.

The CAA also provides that "[t]he period for counseling shall be 30 days unless the employee and the Office agree to reduce the period." Therefore, an employee can request to shorten the counseling period and is advised of that option. An employee may also waive confidentiality during the counseling period to permit the OOC to contact the employing office to seek an immediate solution to the employee's concerns, but this is strictly up to the employee.

Second, if a claim is not resolved during the counseling phase, and the employee wishes to pursue the matter, the CAA requires that the employee file a request for mediation with the OOC. When a case proceeds to mediation, the employing office is notified about the claim and the parties attempt to settle the matter with the assistance of a trained neutral mediator appointed by the OOC. At the outset of the mediation process, the parties sign an agreement to keep confidential all communications, statements, and documents that are prepared for the mediation. This confidentiality obligation concerns

materials prepared *for the mediation process*—it does not prevent an employee from discussing underlying facts or allegations with others. The confidentiality obligation concerning materials prepared specifically for the mediation process encourages the parties to present their positions freely, which promotes and enhances the mediation process.

The CAA further provides that mediation "shall involve meetings with the parties separately or jointly." As with counseling, an employee may participate in mediation over the telephone, or by similar means, and the employee may be represented by a representative in the employee's absence. Contrary to some inaccurate reports in the media, there is no requirement that the employee be in the same room as the accused during mediation.

The CAA also specifies that the mediation period "shall be 30 days," which may be extended only upon the joint request of the parties. Even if mediation fails to settle the matter within 30 days, it is not uncommon for the parties jointly to request such an extension or to revisit negotiations later in the process. Resolving cases during mediation can save the parties from burdensome litigation, which can be expensive, time consuming, and a drain on resources and workplace productivity. Mediation also allows the parties to craft a resolution of the workplace dispute that meets their unique needs.

If the parties fail to resolve their dispute in mediation, a covered employee may elect to proceed to the third step in the process, either by filing an administrative complaint with the OOC, in which case the complaint would be decided by an OOC Hearing Officer in a confidential setting, or by filing a lawsuit in a U.S. District Court, in which case the proceedings would be a matter of public record. By statute, this election—which is the employee's alone—must occur not later than 90 days, but not sooner than 30 days, after the end of the period of mediation. A party dissatisfied with the decision of the Hearing Officer may file a petition for review with the OOC Board of Directors, and any decision of the Board may be appealed to the U.S. Court of Appeals for the Federal Circuit. If, instead of filing a request for an administrative hearing, the employee files a civil suit in Federal district court, an appeal of that decision would proceed under the rules of the appropriate U.S. Court of Appeals.

Although the OOC works with its congressional oversight committees, the CAA explicitly prohibits oversight with respect to the disposition of individual cases. Due to the program's counseling and mediation processes, the OOC's experience has been over many years that a large percentage of controversies were successfully resolved without formal adversarial proceedings. The OOC continues to work with the covered community to encourage compliance with the CAA, and to promote fair, effective, and efficient methods to settle workplace disputes.

**Education and Outreach**

When it passed the CAA, Congress recognized that ensuring compliance with the incorporated workplace laws would require clear guidance regarding appropriate workplace behavior and the consequences of violating the CAA. The CAA thus requires that the OOC carry out a program of education for Members of Congress and other employing authorities of the legislative branch respecting the laws made applicable to them and a program to inform individuals of their rights under those laws.

For over 20 years, the OOC has been engaged in outreach within the congressional community and in producing educational tools focused on discrimination and retaliation. Generally, the OOC's training programs are tailored to a requestor's needs, ranging from small and informal discussions with employees regarding the CAA to full-fledged training and panel presentations. Training involves staff from all departments in the Office, including the Office of the Executive Director, the Office of General Counsel, and the Office of Alternative Dispute Resolution programs.

All of the OOC educational materials can be accessed at www.compliance.gov, including training videos, online interactive learning modules, hundreds of publications, posters, brochures, Power Point presentations, and a myriad of other information covering all the laws in the CAA. In-person courses listed on the HouseNet include sessions on preventing sexual harassment and other forms of discrimination, requesting family and medical leave, and understanding veterans' rights, to name a few.

Every month, the OOC issues a new publication that highlights an important workplace law incorporated in the CAA and outlines its applicability to the legislative branch. Our most recent OOC Compliance@Work publication features an article written by the Deputy Executive Director for education programs, titled "The Importance of Training."

As a regular presenter at the Congressional Research Service's District/State Staff Institute conferences, the OOC also has an opportunity to connect with hundreds of congressional staffers who live and work outside of Capitol Hill. The OOC also worked with the Congressional Budget Office in 2016 to provide in-person training to their managers and equal employment opportunity counselors. Training included an overview of the CAA processes as well as discussion of the law governing workplace discrimination, sexual harassment, family and medical leave, the Americans with Disabilities Act, and retaliation for exercising workplace rights.

Recognizing that busy schedules, resource constraints, and geography may make in-person training impractical, the OOC has also developed web-based training programs. The OOC's first online interactive training module, entitled "Preventing Sexual Harassment in the Workplace," is intended to foster a safe and productive work

environment by training employees to identify behavior that constitutes sexual harassment and providing them with the resources to prevent and report it. The second online training module covers reasonable accommodation in the workplace for an employee with a qualified disability under the Americans with Disabilities Act. The third module will cover the Family and Medical Leave Act, a fourth will focus on an overview of the OOC, and a fifth will further discuss anti-discrimination and retaliation.

In 2016, the OOC rolled out its Brown Bag Lunch series, which the OOC General Counsel designed to inform legal counsel about the latest case law developments under the laws applied by the CAA, including Title VII disparate treatment and hostile work environment. All of the comprehensive brown bag case law outlines are available on our website and are also accessible through our quarterly electronic newsletter, which is emailed to all legislative branch employees.

The OOC website is frequently updated and enhanced with new features. Current videos on the site cover our claims process and what to expect at mediation or during an appeal of a claim. We use social media platforms to disseminate information as well. Although the OOC has made progress on the education and training front, our challenge has been getting the attention of the legislative branch employees who are very busy and otherwise not engaged on the topic of their workplace rights and responsibilities.

Despite the many educational resources regarding harassment and discrimination available through the OOC, training is not mandatory within the congressional community. Because decisions have been left to the discretion of each employing office, both training and general employee awareness of their rights and responsibilities under the CAA have been inconsistent, at best, throughout the legislative branch. Even a short investment of time with the OOC's resources, however, can help an employing office maintain compliance with workplace laws and promote an inclusive and respectful working environment, and help employees to understand and exercise their rights under the CAA. We look forward to continuing to assist Congress and the legislative branch agencies by providing the necessary educational and informational resources to achieve these goals. Publicizing information about the OOC will result in legislative branch employees realizing that they do have a place to turn when they experience discrimination, harassment, or retaliation, as Congress originally intended.

**Board Recommendations to Congress**

The CAA was crafted to provide for ongoing review of the workplace laws that apply to Congress. Section 102(b) of the CAA therefore tasks the Board of Directors to do just that. Thus, every Congress, the Board is required to report on: first, whether or to what degree provisions of federal law relating to terms and conditions of employment and access to public services and accommodations are applicable to the legislative branch; and second, with respect to provisions not currently applicable to the legislative

branch, whether such provisions should be made applicable to the legislative branch. We continue to believe that the adoption of the recommendations discussed below will best promote a legislative branch free from unlawful discrimination and retaliation.

*Mandatory Anti-Discrimination, Anti-Harassment, and Anti-Retaliation Training for All Congressional Employees and Managers*

In its 2016 biennial section 102(b) report, the Board recommended, as it has in prior reports, that Congress mandate anti-discrimination, anti-harassment, and anti-retaliation training for all Members, officers, employees and staff of the United States Congress and employing offices in the legislative branch.

Education directly impacts employee behavior, and in the area of harassment and discrimination prevention, a comprehensive training program continues to be the most effective investment an organization can make in reducing complaints and creating a more productive workforce. In the interests of prevention, the executive branch requires each federal agency to provide employees training regarding their rights and remedies under anti-discrimination and anti-retaliation laws (Section 202(c) of the Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002 (No FEAR Act)). The No FEAR Act mandates that all current employees and managers be trained by a date certain, and training thereafter must be conducted no less than every 2 years. New employees must receive training as part of a new-hire orientation program, and where there is no new hire orientation program, new employees are to receive the applicable training within 90 days of their appointment.

Unlike in the executive branch, however, there is no current obligation on the part of Congress to inform or train legislative branch employees on their rights and responsibilities under anti-discrimination laws that apply to them through the CAA. Training for new employees on workplace rights is essential to creating and maintaining workplaces in the legislative branch that are free from unlawful discrimination and retaliation. Failing to educate and update employees on workplace behaviors and rights increases the risk of legal violations that could lead to great harm to employees and costly and disruptive litigation. Additionally, many employees of the legislative branch, especially Member office staff, are entering the workforce for the first time. Enhancing their understanding of how federal workplace laws contribute to a fair, safe, and accessible workplace will be invaluable as they become the employers and leaders of the future.

Currently, however, training is voluntary. In the case of some employing offices, the training does not involve or mention the OOC as a resource for information or assistance in resolving workplace disputes. To ensure that the congressional community is aware of the laws affecting the workplace, we recommend mandatory training on the

CAA for every new employee and biennial update training for all employees and supervisory personnel.

The CAA is a unique law and its processes and programs are unique to the legislative branch workforce. Training on the CAA informs managers of their workplace responsibilities and provides them one more avenue to seek information about best practices and how to handle discrimination and retaliation issues. Employing offices must understand the importance of curtailing objectionable behavior at the outset. Training can and does accomplish this goal. Where victims receive training, they may recognize that they do not have to endure a harassing and hostile workplace. Studies have found that sexual harassment in any workforce can be grossly underreported based on the high profile and public nature of an allegation and the backlash that an accuser may suffer, and can lead to increased absence from work, decrease in productivity, and eventual resignation from an otherwise suitable position.

The OOC has the statutory mandate from Congress to carry out a program of education under the CAA, and the practical and subject matter expertise to effectively work with Members, employing offices, and individuals as a neutral and independent educator. Mandatory training for all congressional employees and managers would go far in creating a model workplace free from discrimination and retaliation. To meet this mandate, additional resources will be required. Specifically, the OOC needs three (3) additional full-time employees: an individual to further develop content for various training media, a technical specialist who can provide additional IT expertise and support, and an administrator to manage the increased demand in training for the 30,000 employees of the legislative branch.

*Require Notice-Posting of Congressional Workplace Rights in All Employing Offices*

In its 2014 biennial section 102(b) report, the Board recommended, as it had in prior reports, that Congress adopt all notice-posting requirements that exist under the Federal anti-discrimination, anti-harassment, and other workplace rights laws covered under the CAA, and no longer exempt itself from the responsibility of notifying employees about their rights through this medium.

Almost all Federal anti-discrimination and other workplace rights laws require that employers prominently post notices of those rights and information pertinent to asserting claims for alleged violations of those rights. Indeed, Title VII requires private sector and Federal executive branch employers to notify employees about Title VII's protections and that personnel actions affecting covered employees shall be free from discrimination or harassment on the basis of race, color, religion, sex, and national origin. Because this legal obligation results in permanent postings, current and new employees remain informed about their rights regardless of their location, employee turnover, or other

changes in the workplace. The notices also serve as a reminder to employers about their workplace responsibilities and the legal ramifications of violating the law.

Even though Federal law imposes notice-posting on private and public sector employers, most notice-posting requirements do not apply to the legislative branch. Although the CAA does require the OOC to distribute informational material "in a manner suitable for posting," it does not mandate the actual posting of the notice. The failure to require notice-postings in the congressional workplace may explain recent findings by the Congressional Management Foundation that most congressional employees have limited to no knowledge of their workplace rights. Exemption from notice-posting limits congressional employees' access to a key source of information about their rights and remedies.

Accordingly, the Board continues to recommend that Congress adopt all notice-posting requirements that exist under the Federal anti-discrimination, anti-harassment, and other workplace rights laws covered under the CAA.

*Adopt Recordkeeping Requirements under Federal Workplace Rights Laws*

Although some employing offices in the legislative branch keep personnel records, there are no legal requirements under workplace rights laws to do so in Congress. In its 2012 biennial section 102(b) report, the Board recommended that Congress adopt all recordkeeping requirements under Federal workplace rights laws, including Title VII.

Most federal workplace rights statutes that apply to private and public sector employers require the employer to retain personnel records in a certain manner and for a certain period of time. Title VII requires an employer to maintain certain personnel records, although no particular form of retention is specified. All personnel and employment records made or kept by an employer, including applications and records pertaining to hiring, promotion, demotion, transfer, layoff or termination, pay rates and other compensation terms, and training must be retained for 1 year from the date of making the record or the personnel action involved, whichever is later. Title VII further requires that once a discrimination claim is filed, all personnel records relevant to the claim must be retained until final disposition of the charge or action.

Personnel records may be essential for congressional employees to effectively assert their rights under the CAA. Such records may also be critical evidence for employers to demonstrate that no violations of workplace rights laws occurred. Accordingly, the Board continues to recommend that Congress adopt all recordkeeping requirements under Federal workplace rights laws, including Title VII.

Thank you for soliciting the Board's views on this most important matter. The OOC stands ready to work with this Committee in ensuring a workplace for legislative branch employees that is free from unlawful harassment, discrimination, and retaliation.

The CHAIRMAN. Thank you, so much, for your testimony.

The Chair will now recognize Ms. Gloria Lett for 5 minutes for the purposes of an opening statement.

**STATEMENT OF GLORIA LETT**

Ms. LETT. Good morning. My name is Gloria Lett, as you know, and I am one of the attorneys with the Office of House Employment Counsel, also known as OHEC. OHEC is basically an in-house law firm available to Members of Congress, each of which is a separate employing office, committees, House officers to provide advice and counsel on the various issues that arise under the Congressional Accountability Act and, specifically for the purposes of this hearing, the question of sexual harassment. We are there as a partner with employing offices to help them understand the issue of sexual harassment and to help them prevent and address the issue of sexual harassment when it does occur in the workplace.

I am very grateful to be here, to have this opportunity to talk about my office and the resources that we do provide to House employing offices.

OHEC basically has three core functions. Those are to provide counseling, to provide training, and to provide representation and litigation when employees raise claims of sexual harassment in their workplaces. The way that manifests itself—and I think it is important to keep in mind that our office is a nonpartisan office. All contacts with our office are confidential, protected by the attorney-client privilege. And so when we are called by employing offices to talk about these issues, I think it is a good model in that they can speak frankly to us. We can ask difficult questions. We can learn the good and the bad and the really bad and give them advice and counsel on how to address those issues. We talk about the legal issues, but more importantly, we talk about how the office can address issues and take appropriate corrective action to make sure that the behavior stops.

That corrective action can range from counseling, sending an employee to training, or discipline up to and including termination. And there is accountability in congressional offices and House offices for individuals who engage in harassment. Sometimes they are, indeed, fired.

The other part of our role is to provide training. We provide training on a request basis. We provide training on a regular basis. The House officers in IG, for example, schedule mandatory training for all new employees and all new managers. And they schedule that directly with our office, and we conduct that training.

We also do training after there has been an issue of sexual harassment. So we go to district offices as a followup to make sure that the behavior doesn't happen again, and we do it on a request basis for those offices that are proactive on these issues.

We do two—three types of training, actually. One is antiharassment training that is specifically for employees. Again, that is on a request basis by an office. And we educate employees about what sexual harassment is. That is in-person training. We have vignettes and video where we stop the training at each section, and we explain the behavior, and we have a conversation so that employees understand what they have seen and how it can be

unlawful and how they can report that behavior to their management so that it can be addressed.

We also do something called sensitivity training. The sensitivity training is broader because, as you know, sexual harassment is unlawful under title VII of the Civil Rights Act, but so is racial harassment and so is harassment based on an individual's religion. So we discuss those broader issues, but we discuss sexual harassment in the context of that training.

And, lastly, we do training for managers. And that training, in my view, is vitally important to be in-person training because managers have to navigate around a lot of issues in order to properly handle the issue of sexual harassment. Not only do they face claims by employees who allege harassment, but they can also face claims by an employee who has been accused of harassment if the office doesn't properly investigate the issue and conduct it in a fair manner. So, if someone is accused of harassment and they feel that it was unfair or discriminatory, the result, they can also sue the office. And so we help offices manage that.

And, lastly, we do represent employing offices in litigation when an employee goes to the Office of Compliance. Sometimes we know that those cases are going to happen because we have advised the office, and they have done everything in their power to correct the issue. And sometimes we don't know about it. And so we do represent them and do corrective action in that context as well. Thank you.

[The statement of Ms. Lett follows:]

Written Testimony Of

Gloria J. Lett (Counsel, Office of House Employment Counsel)

Before the

Committee on House Administration

November 14, 2017

**Written Testimony of Gloria J. Lett (Counsel, Office of House Employment Counsel) before the Committee on House Administration – November 14, 2017**

Good morning Chairman Harper, Vice Chairman Davis, Ranking Member Brady, and members of the Committee on House Administration.

My name is Gloria Lett and I am the Counsel for the Office of House Employment Counsel.

Thank you for inviting me to speak and answer questions regarding the services and resources my office provides to House employing entities with respect to preventing and responding to sexual harassment in the workplace.

I understand from the Chairman's November 7 letter, and my conversations with the Committee's staff, that the Committee requests that I address several specific topics. I will start by first describing the history and structure of the Office of House Employment Counsel (colloquially referred to as "OHEC"). I will describe in detail OHEC's three core functions. In addition, I will describe how OHEC differs from the Office of Compliance and our separate roles in addressing sexual harassment in the workplace. Finally, I will describe the services and resources OHEC provides regarding sexual harassment training and prevention.

I. **OHEC's History and Structure**

In 1995, Congress passed the Congressional Accountability Act (the "CAA") which, for the first time, mandated that Congressional employing offices comply with a multitude of employment and labor laws that already applied to the private sector and the Executive Branch. The CAA established that each individual Member office, each Committee, and each of the House Officers and the Office of the Inspector General, constitutes a separate employer for purposes of compliance with these laws. Moreover, the CAA gave Congressional employees the right to bring claims for a violation of the newly-applied employment and labor laws, and established that such claims could be brought only against the employee's specific employing office. The CAA has been amended over time to incorporate additional employment laws and requirements for individual Congressional employing offices. These laws can be found at 2 U.S.C. § 1301, et. seq.

Shortly after the CAA was enacted, this Committee (then the Committee on House Oversight) recognized the need for House offices to receive legal advice to comply with these new laws, as well as legal representation in claims and lawsuits brought under the CAA. Because the House as an entity is not an employer under the CAA, the Committee recognized that it could pose a conflict of interest if the Office of General Counsel were to provide legal advice and counsel under the CAA to individual employing offices. Therefore, to ensure that each House employing office receives individual, confidential, attorney-client protected advice regarding CAA matters, on April 30, 1996, this Committee created OHEC. In 2001, the CAA was amended to provide a statutory basis for OHEC attorneys to

directly represent House employing offices named as defendants in CAA litigation in federal courts nationwide.[1]

OHEC is currently staffed by six attorneys with extensive private and public-sector experience advising, training, and representing clients in employment law matters, including those involving sexual harassment. (OHEC is also supported by two administrative employees). OHEC's attorneys collectively have well over 100 years of experience representing and advising employers regarding CAA employment and labor law matters, including sexual harassment training, advice, and investigations.

OHEC is operated on a strictly non-partisan basis and is administrated by the Office of the Clerk under the bipartisan direction of the Chairman and Ranking Member of this Committee. Because OHEC has a separate confidential attorney-client relationship with each House employing office, our client contacts are not discussed with anyone outside of OHEC. In view of that limitation, my testimony today will cover only non-privileged matters.

## II. OHEC's Three Core Functions

OHEC's three core functions consist of counseling, training and legal representation.

*Counseling.* OHEC provides advice to House employing offices on each of the laws applicable under the CAA. This includes, but is not limited to, advice regarding the following matters:

- Employee handbook creation, revision, and review
- Development and drafting of employment-related policies and procedures
- Compliance with the Family and Medical Leave Act (FMLA)
- Employee hiring, retention, and discipline (including development of individual Performance Improvement Plans )
- Overtime pay, eligibility, and compliance
- Annual, sick, vacation, military and other leave accrual and usage
- Interviewing and employing individuals with disabilities (and related issues concerning providing reasonable accommodations)
- Compliance with OSHA and the public access provisions of the Americans with Disabilities Act (ADA)
- Investigations of employment-related misconduct and complaints (including sexual harassment complaints)
- Compliance with the Genetic Information Nondiscrimination Act of 2008 (GINA)
- Labor relations issues (including collective bargaining)
- Any other issue under the CAA

[1] Prior to this amendment OHEC would handle federal cases after notifying the local U.S. Attorney's Office, and obtaining the court's permission to be admitted *pro hac vice*.

OHEC initially provides Members and their Chiefs of Staff an introduction to its services at the beginning of each Congress during New Member Orientation. Offices can then obtain advice from an OHEC attorney by contacting OHEC by phone, email, or in person.

*Training*. When requested by an employing office, OHEC provides training to management and to staff, both in Washington, D.C. and in district offices, at no cost to employing offices. All of OHEC's training is conducted in-person by one or more OHEC attorneys, and is interactive. Training sessions that OHEC attorneys regularly provide include:

**For managerial employees**

- Overview of the CAA
- Preventing sexual harassment and responding to complaints of sexual harassment
- Avoiding litigation landmines (i.e., guidance to managers regarding proper evaluation and interaction with staff to avoid litigation)
- Conducting effective investigations of workplace misconduct and complaints
- Best practices for developing and conducting performance evaluations
- Compliance with the FMLA

**For all staff**

- Prevention of sexual harassment in the workplace
- Sensitivity in the workplace
- Appropriate use of email and social media in the workplace

All of these training options are provided when requested by an employing office. In addition, OHEC holds regularly scheduled training sessions in the House Learning Center located in the Longworth Building. Since the beginning of the 115th Congress, OHEC has scheduled 54 training sessions which discuss the topics of preventing sexual harassment and responding to complaints of sexual harassment.

***Litigation***. OHEC provides legal representation to employing offices when an employee initiates a claim under the CAA. Typically, this process begins when OHEC is notified that an employee has requested mediation at the Office of Compliance. OHEC contacts the employing office and advises management of the existence of the claim, investigates the claim asserted, provides advice to the employing office regarding legal exposure and possible methods of resolution, and represents the employing office at mediation. Much of the time, the employee is represented by private counsel at the mediation. If the parties reach an agreement in principle at mediation, any financial payment must be approved by the Chairman and Ranking Member of this Committee. OHEC obtains that approval without identifying the employing office by explaining why we believe the settlement is in the best interests of the employing office and the taxpayers. Once approved by the Committee, the settlement must also be approved and processed by the OOC. Financial settlements are paid out of the judgment fund.

The CAA expressly mandates that the mediation process is strictly confidential. Additionally, most settlements contain confidentiality and non-disparagement clauses. Significantly, these clauses are often mutual. It is standard practice for these types of contractual provisions to be requested by both the employing office and the employee.

If a matter is not resolved at mediation, the employee may choose to litigate his or her claim either through an expedited confidential administrative trial at the Office of Compliance, or through a public federal court complaint. It is entirely the employee's choice whether to proceed through the confidential administrative trial or the public federal court route. The potential remedies are the same in both forums. For DC-based employees, the confidential administrative process or the federal court litigation occurs in the District of Columbia. For district employees, the administrative trial or federal court litigation occurs in the district. In both Washington, D.C. and throughout the country, OHEC represents the employing office from the beginning of the litigation, starting with discovery through trial and, if applicable, any appeal.

## III. How OHEC differs from the Office of Compliance

OHEC attorneys are House employees. As noted above, OHEC provides legal advice to House offices, similar to the way a private law firm might provide legal advice to a private company regarding employment law issues. OHEC attorneys endeavor to assist House employing offices comply with the CAA and maintain positive and safe workplace environments. However, OHEC attorneys do not represent employees and we have an ethical obligation to zealously represent the interests of our client – the employing office.

The Office of Compliance was created by the CAA and is an independent entity within the Legislative Branch. Its Board of Directors and higher ranking managerial officials are appointed by the House and Senate. The OOC promulgates rules and regulations applicable to Congressional employing offices. It is also the entity where employees go when they wish to initiate CAA claims against their employing office. The OOC appoints mediators to handle disputes between Congressional employees and their employers. If mediation fails and an employee chooses to litigate his or her claim in the confidential administrative trial venue (as opposed to federal court), the OOC appoints a hearing officer to conduct the administrative trial. The hearing officer's decision can be appealed to the OOC's Board of Directors. The OOC does not have an attorney client relationship with employees, or with employing offices. Indeed, some of the OOC Board decisions rule against employing offices, approve the imposition of penalties against legislative branch employing offices, and affirm the award of monetary damages to employees.

## IV. Services and resources OHEC provides regarding sexual harassment training and prevention.

In conjunction with this Committee, OHEC worked on the model employee handbook (which is available on the Committee's website). The model handbook contains, among other provisions, an Equal Employment Opportunity (EEO) policy, an anti-harassment and anti-discrimination policy, and an open-door policy. OHEC provides the model handbook, and/or the individual policies to employing offices upon request. Moreover, if an employing office contacts OHEC for advice and OHEC learns the

office has not adopted the model handbook and/or these policies, OHEC advises those offices to do so. OHEC also reviews and revises these policies, assisting employing offices who wish to tailor the policies specifically to their individual offices. Copies of the model EEO, anti-harassment and anti-discrimination, and the open-door policies are available on this Committee's website.

As noted above, upon request by any employing office, OHEC provides in-person, interactive sexual harassment prevention classes for both staff and managers. The typical class lasts for approximately 1.5 – 2 hours and is led by one or two OHEC attorneys. OHEC has been conducting this type of training since 1996. With the passage of time, the training has been routinely updated. For example, when OHEC began the training in 1996, social media was not an avenue where potential sexual harassment issues would arise. That, of course, has changed. The law in this area is also constantly evolving and OHEC routinely updates our training to reflect these changes.

For the sexual harassment prevention training OHEC attorneys utilize visual presentation tools and video vignettes which highlight different sexual harassment scenarios. The class includes a discussion of the legal requirements, as well as the requirements of the code of conduct of House Rule XXIII with respect to sexual harassment, and is tailored to each office's individual anti-harassment policies. OHEC regularly conducts these classes in the House Learning Center in the Longworth Building, in conference rooms in the O'Neill Building, in Committee rooms, in Member DC office spaces, and in district offices.

Additionally, when an employing office contacts OHEC after becoming aware of an allegation of sexual harassment involving its employees, OHEC provides detailed step-by-step guidance on how to conduct an effective investigation. OHEC continuously advises employing offices throughout the investigation process and provides advice regarding appropriate and legally defensible corrective action once the investigation is completed. OHEC's advice typically includes meeting with the employing office's management, development and revision of written materials, review of notes or summaries of investigation interviews, and counseling regarding legal risks and options for corrective action.

When an office determines that an employee engaged in inappropriate behavior, and that individual remains employed, OHEC will advise the office to require the employee to take anti-harassment training. In addition, OHEC will advise the office on how to impose appropriate discipline designed to stop the offending behavior. OHEC will also work with the office going forward to develop strategies to further the goal of maintaining a safe and productive work environment.

The CHAIRMAN. I want to thank both of you for taking the time to be here and to educate us as we go through this critical review process and come up with a plan to make sure that we do prevent future cases of sexual harassment, hopefully decrease your workload in the process.

So, at this time, the Members will have an opportunity to ask questions, and I will now begin by recognizing myself for 5 minutes for questions.

And I will start with you, if I may, Ms. Childs Wallace. And I want to thank you for that insight you have given us to highlight what the Office of Compliance's adjudication process is. So I have got a couple of questions just to make sure we understand that fully.

I want you to describe the importance of each step in the process, and, for example, how important is the counseling intake step that you have? And why is confidentiality important during this phase?

Ms. CHILDS WALLACE. The counseling process, I think, is somewhat of a misnomer. It is more like an intake process. It is not therapy to the person who comes in seeking the—initiating the counseling step. People who come to us often—well, most likely are not lawyers. They don't know the statutes necessarily. And they need assistance to see whether or not their claims fit within the context of the 13 laws that are applicable under the CAA. To give you a very basic example, if you have someone who comes in and says, "I think that I have been discriminated against on the basis of my age," and in the intake process, "Well, how old are you?" "I am 30 years old." "Our statute does not cover you until you are 40 for age discrimination." It is that kind of information that—it is a give-and-take to let them know the law. It also is a time when our office can explain what the proceedings are and the employee can determine whether or not they want to go that route. Oftentimes, things are resolved during that period very easily.

Confidentiality is not meant to be a gag order.

The CHAIRMAN. Uh-huh.

Ms. CHILDS WALLACE. It is confidential primarily for the Office of Compliance. We don't call up the employing office and say, "Your employee has come in to see us about X, Y, and Z." What it is, is the employee still has the ability to go out and talk to their friends and neighbors and say, "My supervisor has done A, B, and C." We don't contact the employing office. It is maintained confidentially so that the employee has a chance to learn the system, learn what the laws are.

One thing about the 30-day period. The law specifically says that 30 days can be cut short on the request of the employee. So, if the employee comes in and gets the information that they need and they say, "Fine, I know what I am going to do," counseling ends, and it may last 1 day. So it doesn't have to be a 30-day period.

The CHAIRMAN. Talk to me for just a minute, if you would, about the mediation phase and what, just in general terms, what percentage of cases are resolved during that part of mediation?

Ms. CHILDS WALLACE. I don't have the specific statistics on it. But what I have been informed about from my staff is that about 40 to 50 percent of the cases are resolved during the counseling or mediation period. So that is a significant amount that are resolved.

The mediation process is very similar to mediation that Congressman Byrne would have seen with the EEOC. It is not required that the employee attend. This is particularly important for employees in our district offices. It is not required that they sit in the same room with the person that is—that they are accusing of sexual harassment, for instance, in this instance. They can be in separate rooms. I have done countless mediations in my private practice where the two may never even look at each other. They may be in separate conference rooms and the mediator may go back and forth. So I think it is a valued procedure. I don't know the legislative history as to why Congress put it in there. But we have seen that it works. It does not have to go 30 days.

The CHAIRMAN. Okay.

Ms. CHILDS WALLACE. If they meet together and the mediator and they say, "This is not going to be resolved," they can cut it short, and the next process starts.

The CHAIRMAN. Ms. Lett, if I may ask you, on the training that you referred to, you have, obviously, online training, and then you will also do in-person training. How much of your in-person training is done here in the D.C. offices versus in district offices?

Ms. LETT. We do training—typically, when an office asks for training, they ask for training for their entire staff. So we will do the training here in D.C. and in the district office as well.

The CHAIRMAN. Got ya. You know, I know the office will typically contact you before they take employment actions, I assume. For example, do they contact you before taking employment actions or contact you generally regarding sexual harassment awareness?

Ms. LETT. Congressman, I wish all of our clients contacted us before they took employment action. It doesn't always happen that way, but it typically does happen that way. And we work with them to get to the underlying issue, to find out if there is any merit to the allegation, to do an investigation, and then take appropriate corrective action.

The CHAIRMAN. And you would usually come in during the mediation phase from OOC. Are you ever contacted before OOC, or is it typically just following what you hear from them?

Ms. LETT. I mentioned earlier that sometimes we will know that an employee is going to go to the Office of Compliance. What the courts have said is that if an employer takes appropriate corrective action designed to stop the behavior, they are going to be insulated from liability in hostile work environment cases. But sometimes employees are not satisfied with that. So they will go to the Office of Compliance, and we expect it.

As Barbara just mentioned, the counseling phase is confidential, but the employee can waive that and reach out to the employee. Typically, we will find out about mediation when there has been a notice of mediation issued.

The CHAIRMAN. Thank you both very much.

The Chair will now recognize Ranking Member Mr. Brady for the purpose of questions for 5 minutes.

Mr. BRADY. Thank you, Mr. Chairman.

I have a question for both of you. It is important to have staff and managers participate in antiharassment training for the betterment of the workplace. Can you speak on how antiharassment

and discrimination training directly relates to less complaints and a better workplace? Either one.

Ms. LETT. I can take that one. I think it is very important that employees understand what sexual harassment is, that they have a right to come forward and report it, and that they will not be retaliated against if they do so. And that is what training accomplishes. It gives them knowledge. I think that that will invariably lead to less complaints because an employer can address the issue before it becomes a formal process where they go to the Office of Compliance.

I just ran into a chief of staff that I have known since I started on the Hill in 1996. And she told me, in her experience, she has only ever had one situation with sexual harassment. And I know that there are obviously many cases that go unreported. But she said that it was a staffer in the office. He said something that was inappropriate. She called him into her office. She read him the riot act, and she told him if it happened again, he would lose his job. So, oftentimes, if employees are aware of these issues, it can be addressed at the earliest possible stage for the employee. And that is what we all want. We want employees to have safe and productive work environments.

And I think it is important for employers to say to their employees: Please come tell us.

When we do the training for the managers, we tell them how important it is to talk to your employees, to walk around, to respond to rumors or anything that you hear where someone might be feeling uncomfortable and then have a conversation with them. Oftentimes, these things can be addressed at the earliest possible stage.

Ms. CHILDS WALLACE. I agree with everything that Ms. Lett said.

The one thing I do want to add to it is that training is yet another opportunity to tell the employees: Here is where you go if you have a problem; there is this entity called the Office of Compliance.

One of the things that we are hearing so much in the media is that people on the Hill don't know who the Office of Compliance is. If there is a trainer in front of you that says, "There is this body, the Office of Compliance, and this is where you go to make a complaint," there is no reason why any employee on the Hill shouldn't know who we are and where we are located and how to make a complaint.

I would like to correct one thing that I said about the mediation process, that that is a 30-day period that cannot be waived. And I misspoke on that.

Mr. BRADY. Most of the complaints about harassment that are filed with the Office of Compliance are coming from non-Member and noncommittee offices such as the AOC, CAO. How can we make staffers and Members and committee offices feel comfortable speaking up on their issues of harassment or discrimination?

Ms. CHILDS WALLACE. Well, I think that, in training that I have done in my private practice—and I think that Ms. Lett indicated the same thing—is it can be a dialogue. It can be talking about what is appropriate and what isn't appropriate. One thing I think that needs to be understood is there is illegal sexual harassment, and there are bad practices. And some things don't—a complainant might not win in court with what their complaint is, but they can

still ruin the morale of an office and be inappropriate. And I think that the training, in-person training in particular, can go into both areas of what is illegal and what is inappropriate for this particular office.

I think one thing that Congressman Byrne said in his statement about having a universal policy is very interesting, so that everybody is working on the same page and everybody knows, even in the office, as Ms. Lett was saying, where you go to complain within your office. But, also, a necessary component has to be who OOC is and what our purpose is in the whole process.

Ms. LETT. And I agree with that, if I may respond. It is very important to have written policies. There is a model sexual harassment policy that is part of the model handbook that this Committee makes available to House employing offices. We worked with the Committee staff to develop that. And that policy basically sets out zero tolerance for this type of behavior and tells employees of the consequences if they do participate. But training is vitally important. When we do training, in-person training, it is amazing to see how men and women might have very different reactions to the same conduct that they view in the video. And when they have that dialogue, it helps to inform both groups where they are coming from and why it is problematic and unwelcome behavior.

Mr. BRADY. I thank both of you.

I yield back, Mr. Chairman. Thank you.

The CHAIRMAN. The gentleman yields back.

I would ask the witnesses to just maybe pull your microphones a little closer to you as we are having some background noise.

And the Chair will now recognize the Vice Chairman of the Committee, Mr. Davis, for the purpose of questions for 5 minutes.

Mr. DAVIS. Thank you, Mr. Chairman.

Thank you, Ranking Member, for hosting this hearing.

And I would like to thank my colleague Bradley, somebody who practiced employment law in Alabama. I think many of the comments in his opening testimony were very well stated.

And the powerful testimony from my colleague Jackie. Thank you.

And then also the opening statements of Barbara and Susan. Thank you for your testimony and your comments.

I think it is long overdue, and I appreciate both of you and your opening statements because no one should have to worry about sexual harassment in the workplace. And as a former staffer, one of the reasons I wanted to serve on this Committee is to continue to professionalize the House and establish a workplace that is grounded in respect.

I look forward to discussing with each of you the potential areas and current policy that need improvement and any areas you suggest that we need to make better because, in Congress, we have got to lead by example.

My first question for both of you is: It is important we get this right. And I have a female-led staff. And I asked them their opinion. And they were concerned some offices—that an unintended consequence may be that some offices may just take a shortcut and not hire women as a way to avoid these issues. And, obviously, that is not the right approach. How do we ensure that we use this mo-

ment to work toward true prevention of sexual harassment while also continuing to make Capitol Hill a place of opportunity for female professionals?

Ms. CHILDS WALLACE. I think that one of the things that is just tremendous is to see women as Members. And I think that I am not as concerned about that with the strong, fantastic women that we have as Members. And I think as—there is a great wealth of experience and talent out there with females, and I would certainly hope that that would not be a consequence of harassment——

Mr. DAVIS. Agreed.

Ms. CHILDS WALLACE [continuing]. Training.

Ms. LETT. And my office certainly has had discussions with—we have heard that. And we have had those discussions with our clients to remind them that that is unlawful, and, obviously, individuals should be hired based on their merit without regard to gender. But, again, I think it is very important to have training. I keep coming back to that. And we do training on hiring techniques and things of that nature as well. But just awareness is very important with respect to that issue.

Mr. DAVIS. Thank you both.

Ms. Childs Wallace, what challenges does the OOC face in carrying out its educational duties? For example, I am a former district staffer. So how does the OOC reach out to the district offices, and how can we as a Committee be helpful?

Ms. CHILDS WALLACE. Well, there are several things, I think. First of all, one of the recommendations that we have made every other year is with regard to these posters. We are required by statute to develop these posters. These are the kind of posters that are posted in workplaces in the executive branch and in the private sector. And we do, and we hand them out. And there is no law that requires anybody in Congress to post these notices. They are notice of rights. They also talk about OOC. These can go in the district offices too.

We do training with another outside organization through—I am blanking on the name of the organization—that does training in the district offices, and also, the online modules of training that we have that we have been developing and are continuing to develop more and more can be taken by employees in the district offices.

Mr. DAVIS. Okay. Thank you. Thank you.

Ms. Lett, if an employing office conducts an internal investigation, what role does OHEC play during the investigative process? And are there internal investigations that are resolved—I think you mentioned some—without using the OOC process?

Ms. LETT. When an office contacts us and there is an issue with sexual harassment, we work with the office to conduct the investigation. We give them materials that are very exhaustive. Not every situation requires that they learn this 25-page document of instructions on how to conduct an investigation. But we work with them every step of the way.

Some offices, their staff is very savvy, very comfortable doing investigations. And when I say "investigations," in some instances, it may mean talking to two employees and figuring out what happened.

But some offices aren't quite as comfortable with investigations. So what we will do is we will help them to get the help of an independent, outside investigator. And that investigator will get to the bottom of what is going on, report it to the office, and then we will work with that office to figure out what the appropriate corrective action is.

Mr. DAVIS. Thank you both.

I yield back.

The CHAIRMAN. The gentleman yields back.

The Chair will now recognize Congresswoman Speier for 5 minutes for questions.

Ms. SPEIER. Thank you, Mr. Chairman.

Let me ask you, Ms. Lett, whether or not you end up representing the harasser in mediation or not?

Ms. LETT. Our client is the employing office. So we never represent an individual. At the end of the day, someone obviously is accused of harassment, but they are not our client. The client is the employing office of the Member or the committee or the House office.

Ms. SPEIER. So I think we are mincing words here. Let's say a Member is being accused of sexual harassment. You are representing the Member, correct?

Ms. LETT. We are representing the employing office, which sometimes can also be the Member, yes.

Ms. SPEIER. Do you think that is appropriate?

Ms. LETT. I think it is appropriate given our role. Our role is an in-house law firm. We are no different than a private sector company. They have their own lawyers to represent them in these matters. And under the Congressional Accountability Act, the House employers are supposed to experience the same thing as private sector employers. So the situation is analogous.

Ms. SPEIER. So when you are representing—let's, for discussion purposes, say the Member, it is your job to try and resolve this so that the Member is kept whole and none of it becomes public. Do you ever find yourself in a position of saying to the victim, "You know, if you pursue this, your career on Capitol Hill is over"?

Ms. LETT. My office absolutely would never say that to a victim. Our role is to assist the office in getting to the bottom of what is going on and to take appropriate action. In the case—we have had a couple of cases where the Member was the individual who was accused of the harassment. And there are corrective steps that can be taken to make sure the Member acts appropriately in those circumstances.

Our office does not have the ability to discipline a Member, but certainly the Ethics Committee does, and leadership can interject in those situations as well.

Ms. SPEIER. But if you settle a case between a Member and a staff member, it never goes to the Ethics Committee, correct?

Ms. LETT. That is not necessarily true.

Ms. SPEIER. Well, how would it go to the Ethics Committee?

Ms. LETT. A staffer could bring a claim, can contact the Ethics Committee. Anyone can contact the Ethics Committee and allege that a Member has acted inappropriately.

Ms. SPEIER. And kiss their job on Capitol Hill goodbye.

Ms. LETT. That is not the way it is supposed to work, Congresswoman. Certainly, we assure—we have the employing office assure any employee who raises these claims that they will not be retaliated against because, if they are retaliated against, the office can be sued for retaliation.

Ms. SPEIER. It is true, though, that the staff member must be in continuous employment in order to access the services of the OOC. Is that correct?

Ms. LETT. I don't think that that's correct. I assume that the——

Ms. SPEIER. Well, if they are no longer employed by the House of Representatives, then I have been told that this office is not available to them.

Ms. LETT. I don't have that information.

Ms. SPEIER. All right. What percentage of your mediations is between Member and staff versus staff and staff?

Ms. LETT. I am sorry, Congresswoman. I can't hear because of the background noise.

Ms. SPEIER. What percentage of your mediations is between Member and staff versus staff and staff?

Ms. LETT. Overwhelmingly, the mediations concern staff and staff. It is very rarely when it involves a Member. But those occasions have occurred.

Ms. SPEIER. Okay.

Now, we have been told that if you are accusing someone of sexual harassment, that you are required to be in the same room; it is only in cases of sexual assault where you can be in separate rooms.

Ms. LETT. That is not true. You are not required to be in the same room. I can tell you from my office, typically when we go to mediation, oftentimes, we don't take the alleged harasser, as we find the mediations to be more productive if we take someone else from the office who is in management, someone who is familiar with the underlying issues. I don't find it to be particularly productive to have an alleged harasser and a victim sit across the table from each other. So that is not how we approach it.

Ms. SPEIER. Have you ever counseled an accuser that if they don't want to be in the same room, that the legitimacy of their complaints would be called into question?

Ms. LETT. Can you give me that one again?

Ms. SPEIER. Have you ever said to someone who was an accuser, a victim, who did not want to be in the same room, that in so doing, it would cause you to wonder about the legitimacy of their complaint?

Ms. LETT. I don't recall ever doing that. It is really up to the employee's counsel to make that decision about whether or not they want them to be in the room. So it is not my call.

Ms. SPEIER. Okay.

I yield back. Thank you.

The CHAIRMAN. Congresswoman Speier yields back.

The Chair will now recognize Congresswoman Comstock for 5 minutes for the purposes of questions.

Mrs. COMSTOCK. Thank you, Mr. Chairman.

I also appreciate the testimony of my colleagues and particularly the very detailed additional things that we can do that Congress-

man Byrne laid out. And one of them I wanted to focus on was really giving the Members and senior staff some strict guidelines.

So, taking my example of the Member in the towel, we really don't have current guidelines right now that say to a Member, say a sexual relationship with a 19-year-old intern is off limits. Is that at all clear right now? Because I haven't seen that in some of the materials, just flat out: Your chief of staff can't; your senior people—you know, we have these young interns. We have young staff. You cannot have this in our office.

Ms. LETT. I am not aware of anything that says that specifically. As someone alluded to earlier, obviously, the code of conduct, which says that a Member and staff should conduct themselves in a manner at all times that reflects credibly upon the House, would be relevant in that context. But I don't know of a specific writing that says what you have just——

Mrs. COMSTOCK. Okay. And for any Seinfeld fans, you have the George Costanza rule, you know, where he got fired because he didn't know it was inappropriate to have sex on the desk in the office with the staff. I think that is something we do need to make clear from the Member on down because wouldn't you agree it creates a hostile work environment if there is that kind of relationship in an office?

Ms. LETT. No question about it.

Mrs. COMSTOCK. All right. So that would be something when we are looking at just a hostile work environment, like say in this example, I think I would have done what this woman did, go find another job. Not everyone can do that. But if she hadn't, if she had gone along with this, then that is creating—that can go into creating a hostile work environment, right, for the other women in the office?

Ms. LETT. Of course. And I would hope, again, that an employee would feel comfortable complaining to whoever would be appropriate in those circumstances. The way the model handbook policy is written, the employee is told—asked to report it to either their immediate supervisor or anyone in management with whom they feel comfortable making that complaint.

Mrs. COMSTOCK. Okay. And I appreciate you highlighting how the videos and the interactive, having people together because I know when I was at my law firm, we had that type of thing in our training. And I do think that is an important aspect of what we need here. So, as we are looking at this, any of the additional—I have been told, for example, the Navy does a good job. Other Federal agencies have materials. Perhaps it would be good for us to get more examples, if you can provide us, of some of the things that the other agencies and the private sector are doing. I think that would be helpful as we look at this.

And then I had also wanted to ask about one of the suggestions that Dorena Bertussi, who is the first woman who I spoke of, that I had spoke to, what she suggested was an ombudsman. I think it gets to some of the questions that Ms. Speier had where there is sort of—I mean, your job is what Congress has told you to be at this point. And we are looking at how we might change that. But if we were to have an ombudsman who is that victim's support person, then that could be somebody maybe who would say, "You know

what, this is a criminal case, and you don't need mediation here, you need to go and deal with this legally," or, "You know, here's the process of what you do if you go through—if you were to go to mediation or do these things," but have somebody who is really that victim's advocate. Is that something that you have seen in other workplaces or maybe, given the unique nature of our workplace, might be helpful?

Ms. LETT. I have seen it in other workplaces. I believe at one time the Capitol Police had an ombudsman that their employees would go to to raise concerns. And it can be a successful model depending on how it is structured.

Mrs. COMSTOCK. And how do you—are you telling staff—when there are criminal cases here, and that is—I mean, I know, as I mentioned, as an intern, staffer, you know, when you heard criminal activity that went on, people who wouldn't go forward because they were afraid to, is that something that is—because I am—I think I am saying we tell people it is criminal, but really letting them know all of the things that are actually going on so they feel like they are not alone and they can go forward, that this has happened before, and, you know, to report something criminally?

Ms. LETT. I can say, for our office, that is not our role. Our role is to provide legal advice and guidance to employing offices under the Congressional Accountability Act.

Mrs. COMSTOCK. But is there anybody identifying when something clearly is a crime?

Ms. LETT. I am not aware of that.

Mrs. COMSTOCK. I think we may—that may be something we really, Mr. Chairman, we really need to look at because it may just be if you had a situation where somebody thought, "Oh, you know, I was out with the boss, this happened, it was my fault," and we need to tell them, "No, that wasn't your fault."

Ms. SPEIER. Will the gentlelady yield? Would you yield?

Mrs. COMSTOCK. Yes. Yes.

Ms. SPEIER. One of the components of the legislation that will be introduced would have the victim be represented by a special victim's counsel, much like, in the military now, we have created that mechanism for victims of sexual assault.

Mrs. COMSTOCK. And then, but also—because I know at that point—but somebody sort of having that intermediary determination, like: Here's all the different places you can go. Here's a crime. Here you can have somebody. But also have somebody to talk it out with before we, you know, you decide what to do, the individual, so that they feel like they are covered more in some way. So maybe we can discuss that.

Ms. SPEIER. Well, ostensibly, that is what the counseling component, that first 30 days of what is called counseling is actually legal counseling. It can be 1 day. It can be 1 hour. But it ostensibly takes place there. But, again, I am not convinced that the system we have in place protects the victim at all.

Mrs. COMSTOCK. Yeah. Agreed.

Thank you, Mr. Chairman.

The CHAIRMAN. The Chair will now recognize the gentleman from North Carolina, Mr. Walker, for 5 minutes.

Mr. WALKER. Thank you, Mr. Chairman. Thank you for your prompt leadership in this very, certainly, important issue.

I would like to thank my colleagues for their earlier testimony and all the people that have spoken on this. It is a very important issue. And I am grateful to stand with such stanch advocates in our work to make the House of Representatives a respectful and safe environment for our fellow colleagues.

As a minister, a pastor for nearly two decades, sadly, I have heard too many similar stories over the years. This type of behavior should never be tolerated here or in any other work environments. I believe that we should lead by example and set the tone for the Nation. And in leading by example, I was encouraged by our chairman to strongly encourage members of this Committee—so we have gone, certainly our entire staff. I am also chairman of the Republican Study Committee. So all 28 staffers, as well as myself, have gone through some of the very clear and productive training. And I hope that that will lead to even more.

But Ms. Childs Wallace, early this month, the Board of Directors wrote to the Speaker of the House and the President pro tem reiterating its call for mandatory antidiscrimination and antiharassment training. Is mandatory training the most effective deterrent to the problem of sexual harassment?

Ms. CHILDS WALLACE. It is one component of it. I think that leadership from within each office is also important and letting the employees know where they can go to complain is vitally important. But mandatory training is one very important component of trying to stop this.

Mr. WALKER. You say one very important part. In your research, are you able to boil down or identify what you would say is the most effective component of this?

Ms. CHILDS WALLACE. Probably mandatory training.

Mr. WALKER. Okay. All right. Is there any other deterrent that you would believe would be equal or a part of this process?

Ms. CHILDS WALLACE. Well, like I said, posting these notices and letting people know who we are and where they can go is important. And then leadership from the top as to what is appropriate and not appropriate.

Mr. WALKER. I believe, if I am correct, also cited in this letter to the Board of Directors, this recommendation has been made since 1996. Is that correct?

Ms. CHILDS WALLACE. We have made it many, many times. And I can't give you the exact number, but it is in our biennial reports that we recommend this.

Mr. WALKER. Well, can you tell me, was it first identified in 1996, or did earlier prompts of concerns kind of get this thing moving?

Ms. CHILDS WALLACE. I was not on the Board until 1999. So, prior to that, I can't tell you necessarily.

Mr. WALKER. We don't have any records or evidence or——

Ms. CHILDS WALLACE. We do have records. And if the Committee would like, we can go back and look at all of our 102(b) reports and give you the exact dates that we made this recommendation.

Mr. WALKER. All right. Fair enough.

Ms. LETT, in your opinion, what improvements can be made to the adjudication process administered by the Congressional Accountability Act?

Ms. LETT. I have, I guess, a different take than what seems to be happening or the position. I think it is a very effective process. We have lots and lots of cases that are resolved through that process. Employment cases in general, the overwhelming majority are resolved before full-blown litigation. And I think the statistic is 85 percent of employment cases are resolved before full-blown litigation.

I believe in this process. I mentioned this before, that once someone goes to the Office of Compliance and we engage in mediation, we may be hearing about the problem for the first time. But we do an investigation, and we get to the bottom of what is going on, and we make recommendations to the office for corrective action. So, as I said, I believe in the process as mandated by the statute. And I think it works very effectively to address the issue of sexual harassment just as it does for other forms of harassment and discrimination under title VII.

Mr. WALKER. Thank you for your responses.

With that, I yield back.

The CHAIRMAN. The gentleman yields back.

The Chair will now recognize the gentleman from Nebraska, Mr. Smith, for 5 minutes.

Mr. SMITH. Thank you, Mr. Chairman.

And certainly thank you to our witnesses, our Members, as well, for bringing insight and expertise to these very serious issues.

We have talked a lot about the prevention—preventative measures that can or should be taken. I was wondering if you could speak more to what types of resources, whether it is funding or other resources, that either one of you think would help empower individuals throughout these processes?

Ms. CHILDS WALLACE. I appreciate your asking that question. Let me put it in the context of the Office of Compliance: If we are tasked with mandatory training throughout Capitol Hill, we, right now, have two employees who work on training along with other issues. It is going to be vitally important that we obtain funding to add what we figure is probably three more FTEs to help us do the training. So that is one thing—and also help with our IT process in the office. Like I said, we are a very, very small office.

Other things, I think that training that both of us do, those are the resources that are just essential.

Mr. SMITH. Ms. Lett.

Ms. LETT. For my office, we do a lot of training. We have gotten a lot of training requests in the last several weeks. We do the training here and again in the district offices. We have ramped up our training efforts. So we have multiple trainings occurring in any given day. We have ordered additional equipment, and that seems to be working very well.

But I think if, ultimately, the decision is that there is going to be a requirement of mandatory training—and I really urge that for management—we may also need to have some additional staff hired to get that all accomplished.

Mr. SMITH. Okay. Thank you.

Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. The gentleman yields back.

The chair will now recognize Congresswoman Brooks for 5 minutes.

Mrs. BROOKS. Thank you, Mr. Chairman.

Ms. Lett, you talked about the large majority involve staff-on-staff issues. Can you share with us at what point in the process the Member is informed when a staffer comes to OHEC and initiates the process with OHEC? When is the Member brought into the process?

Ms. LETT. The Member is really brought into the process from the very beginning because, if an employee goes to a supervisor, management, that is going to go up the chain of command, and the Member will be informed. So we will get calls from a chief of staff who has told us that they have already spoken with the Member, or we will get calls directly from the Member.

Mrs. BROOKS. And if it involves a chief of staff?

Ms. LETT. If it involves a chief of staff, we would typically get the call directly from the Member.

Mrs. BROOKS. But if a staffer had come into OHEC directly, would you call the Member if it involved a chief of staff?

Ms. LETT. Actually, we don't talk directly to staffers. That is not our role because we are lawyers for the employing office. So, if a staffer calls, we essentially will encourage them to go back to their management and speak to them because management can address a lot of these issues. And if they are not satisfied with that, then they can go to the Office of Compliance. But the only time we talk directly to employees is when we do training, employee training.

Mrs. BROOKS. And if you do get that inquiry from a staff member and you do not hear from anyone after that, does anything happen?

Ms. LETT. We do do followup with offices to let them know that we have heard from someone and that there may be an issue in their office that they need to take a look at.

Mrs. BROOKS. And for both of you, you both mentioned large percentages of resolutions, resolutions prior to litigation or in lieu of litigation. Can you give us examples of resolutions?

Ms. LETT. Well, I can speak to that. If there is an allegation that a coworker is making inappropriate statements in the workplace or sending an inappropriate text or email or something of that nature, we will have the employing office, a management employee, talk with both the person who is complaining about the behavior and the person who is the harasser to get to the bottom of what is going on and then figure out what the appropriate steps may be to address the behavior. And that could include counseling. That can include training. We do one-on-one training quite a bit, actually. That can include training for the staff. And it may also include some type of disciplinary action, a letter of reprimand, suspension without pay, and, for the more egregious cases, of course, termination.

Mrs. BROOKS. Thank you.

Anything else, Ms. Childs Wallace, that you would like to add with respect to resolution?

Ms. CHILDS WALLACE. Sometimes in counseling, if we look at it not necessarily in the harassment context, but if someone came in

and said, "I am not afforded the same kind of training as the males in my office," it could be as easy as, once the employer is informed about it, they say, "We didn't know you wanted it; you know, yes, let's get you on the next training on this." And that is a more simple resolution that doesn't require payments of money and a settlement or something like that.

In a sex harassment context, it could be changing who your supervisor is, moving you to a different position or moving the alleged harasser to a different position so that there is no longer within the line of supervision.

Ms. LETT. May I address that issue——

Mrs. BROOKS. Yes.

Ms. LETT [continuing]. As to one additional point?

An important part of the resolution is to get back to the person who complained to let them know that the office has taken the matter very seriously, has looked into the matter, and has taken appropriate action to make sure it stops, and to remind that individual that they cannot be retaliated against, and, if there is even the remote hint of retaliation, that they should come back to management to take care of it.

Mrs. BROOKS. And since I am here representing the Ethics Committee in many ways, can you both mention any improvements you might make relative to coordination with House Ethics Committee? And do you inform a complainant of that option, of pursuing their allegation at the Ethics Committee?

Ms. CHILDS WALLACE. I have to admit I am not as familiar with the Ethics procedures. I do know that if someone goes to the Ethics Committee and wants to make a complaint about sexual harassment, they are most likely directed to our office, which I do believe is appropriate. But I would welcome any kind of coordination between the Ethics Committee and the Office of Compliance. I think that would be wonderful on this issue.

One thing that I would also like to say in the context of all of this is we don't want to limit this training or the Ethics coordination to just sex harassment. There are other kinds of—it is the issue of the day and the most important one. But there is harassment that occurs in other contexts, whether it is racial harassment, disability harassment, that the training should also address and try and stop. But, yes, nothing excites us more than the fact that Congress right now is looking at the issue from the standpoint of sex harassment.

Mrs. BROOKS. Ms. Lett, any recommendation with respect to Ethics?

Ms. LETT. One of the ideas I think that has been mentioned is the idea that there be a record of the employees having taken sexual harassment training, much like there is a record created when we take ethics training. And so I think that would be a great idea to coordinate with your committee to make sure that those records are maintained to show that employees have, indeed, received the training.

Ms. CHILDS WALLACE. I agree with that a hundred percent. I think that is good.

Mrs. BROOKS. Thank you, Mr. Chairman, again, for including me. I yield back.

The CHAIRMAN. Thank you. And I would also like to certainly thank Congresswoman Speier and Congresswoman Brooks for joining us today for this hearing. It has been very helpful to have your participation.

Without objection, all Members will have 5 legislative days to submit to the Chair additional written questions for the witnesses which we will forward and ask the witnesses to respond as promptly as possible so that it can be a part of the record.

I want to thank all of our witnesses for being here today. I know that Mr. Brady joins me in saying that it is apparent that mandatory training is a necessary first step to improving the House's process to address sexual harassment in the workplace.

The Committee will continue to review the testimony given today, work with Members, and make additional recommendations to strengthen the process to ensure that the congressional workplace, which includes not only the Members of Congress and their offices but includes all the officers of the House, the Architect, the Capitol Police—all of these things have to be included—Congressional Budget Office, and, of course, the Office of Compliance. All of these things were included in 1995 when Congress passed the Congressional Accountability Act.

This type of behavior cannot be tolerated. And so I believe that raising the awareness today, we should set the standard of proper conduct in the workplace. And I hope this is the first step to getting there.

Without objection——

Mr. BRADY. Chairman Harper.

The CHAIRMAN. I will recognize Mr. Brady.

Mr. BRADY. Just for one second. I just want to say something to my colleague from California that I didn't agree with you. You said this is an uncomfortable thing for us to do. I have a wife, a daughter, two granddaughters, and a great granddaughter. It is not uncomfortable. It is our moral responsibility and obligation to protect somebody else's wife, daughter, and granddaughters. So I thank you, and I thank you for your courage.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Brady. And I associate myself with your remarks that you just made.

Without objection, this hearing is adjourned.

[Whereupon, at 11:39 a.m., the Committee was adjourned.]

Rep. Ann McLane Kuster's testimony before the House Committee on Administration, November 14, 2017

I am here to speak in support of H.Res.604, the CEASE Resolution, which I am proud to cosponsor. This legislation is an important first step towards changing the culture of sexual harassment on Capitol Hill. While working as a staffer on the Hill in the 1980s, I was sexually assaulted by a guest of Congress. I had not received any training about how to handle this incident, and was completely unprepared to address it. Sadly, sexual violence and harassment are all too common on the Hill. From interns on their first day of work to Members of Congress, sexual harassment is experienced at all levels of power, creating a hostile work environment that inhibits Congress from properly serving the American people.

H.Res.604 takes important steps to address sexual harassment. It requires all Members of the House of Representatives, their staff, and employees of the House to take an annual training about sexual harassment that is tailored to the unique environment in the House of Representatives. This will provide every individual working on the Hill with the skills necessary to identify and prevent sexual violence. The House already requires that Members and their staff take an annual Ethics training because there is a consensus that ethical behavior is essential to enable the House to properly function. Similarly, the House cannot function effectively in an environment where sexual harassment is present, and we must empower all Members and their staff with the skills to address it.

As we seek to end sexual harassment in the workplace, there will invariably be individuals who continue to engage in appropriate behavior. When this does occur, we must ensure that we provide support for survivors of harassment, rather than burdening them with a drawn out administrative process. The current Office of Compliance mediation process for sexual harassment complaints is outdated and stacks the deck against survivors. It must be revised and I supportive efforts to update this outdated policy.

Over the past few months, hundreds of thousands of Americans have shared their experience with sexual violence and harassment through the #MeToo campaign. Their stories demonstrate what data has already shown to be true: sexual violence and harassment is an epidemic in this country. By adopting this resolution, the House of Representatives can show that it is prepared to lead by example and challenge the culture that allows violence to flourish. I urge you to support this resolution.

For the record, I have included an article from the *Concord Monitor* about my experience with sexual assault while working on Capitol Hill.

Kuster says well-known surgeon Christiaan Barnard sexually assaulted her decades ago
By Lola Duffort
Wednesday, October 12, 2016

Donald Trump's remarks about leveraging his fame to touch women sexually without their consent resonates with U.S. Rep. Annie Kuster.

"That's actually what happened to me," the Hopkinton Democrat said Wednesday, recalling a sexual assault she endured as a 23-year-old staffer on Capitol Hill. And for the first time, she publicly named the man she says assaulted her.

"He was known to everyone. He was Dr. Christiaan Barnard," Kuster said. Barnard was a South African surgeon who performed the world's first human heart transplant. He died in 2001. Kuster said she had been invited to a meeting with Barnard and the congressman she was working with, a meeting she said she had been "honored" to be included in.

"And partway through the meeting, I realized that he had his hand under my skirt. And I'm not going to quote (Trump) – with the term that he used – but that's what was happening," Kuster said.

Kuster called the comments uttered about women by the Republican presidential nominee 11 years ago "reprehensible" – but a boon to the national conversation about sexual assault.

"Ironically, I believe that Mr. Trump's statements created a discussion that the country needs to have around lack of consent," Kuster said in reference to a taped conversation between Trump and then-*Access Hollywood* host Billy Bush.

Kuster, who initially broke a 40-year silence about her own experiences with sexual assault on the floor of the U.S. House this summer, made these comments Wednesday in an editorial board meeting with the *Monitor.*

The two-term incumbent is running for re-election in the 2nd Congressional District against Republican challenger Jim Lawrence.

In the off-air tape leaked to press last week, Trump is heard boasting that he can't help but kiss beautiful women as soon as he encounters them.

"And when you're a star, they let you do it," Trump added. "Grab 'em by the p---y. You can do anything."

Trump has defended the comments as "locker room talk." But many, including some Republicans, have noted that his remarks describe a textbook case of sexual assault.

"Juries have been struggling with this consent issue for a long time. And Mr. Trump, inadvertently, defined lack of consent," Kuster said.

Kuster added that despite experiencing sexual assault, talking about the issue in Congress and on college campuses had been hugely instructive.

"I never knew the scope of it," Kuster said, citing one New Hampshire survey that found that nearly 23 percent of women had experienced sexual assault.

"My point is that it happens all the time," she said. "What I want to do is help continue this conversation as a national dialogue so that we can change that."

Kuster also referenced a study published in 2002 by David Lisak, then a professor of psychology at the University of Massachusetts Boston, and Paul Miller, then a clinical psychologist at Brown University School of Medicine.

"His theory and his research is that it's a very small number, percentage of men who are essentially predators, repeat offenders – 3 percent is the number that he uses. And the problem is, because we don't have consequences for those 3 percent, every woman is at risk, all of the time," she said. "But the reality is, 97 percent of the men can be part of the solution. And that's where I'm coming from."

The study, whose findings suggest a sliver of serial offenders account for the vast majority of rapes, has been highly influential and is oft-cited by advocates.

But new research published in 2015 by Kevin Swartout, an assistant professor of psychology at Georgia State University, contests those conclusions – and argues its data suggest a much broader pool of men commit rapes.

**Sexual Harassment Awareness Training for Members and Staff**
November 3, 2017

Dear Colleague:
Every day, we set out to serve the American people, and be worthy of the trust and confidence they place in us. In recent weeks, reports of sexual harassment by public figures have been deeply disturbing to say the least. I have heard from members with real concerns about the House's policies.

First, let me be absolutely clear that any form of harassment has no place in this institution. Each of us has a responsibility to ensure a workplace that is free from discrimination, harassment, and retaliation. That is codified in House Rule XXIII, Section 9.

To that end, I strongly encourage you to complete sexual harassment training and to mandate the training for your staff. We can and should lead by example.

As you know, the House offers a number of resources to assist you:

The Office of Compliance provides Members and staff training on their workplace rights and responsibilities, including training on how to prevent sexual harassment in the workplace. Members and staff can sign up for the online training using this link:
http://ooc.legacyonlinetraining.com/users/sign_up

The Office of the House Chief Administrative Officer, working with the Office of the House Employment Counsel, offers sexual harassment awareness training for employees and their supervisors. Training can be accessed using the following links:

For employees: https://houseconnect.house.gov/p5dwac0v1ma/
For supervisors: https://houseconnect.house.gov/p73xg82lgc4/

The Office of the House Employment Counsel provides sexual harassment awareness training for Members and Chiefs of Staff, as well as sensitivity awareness training for all Members and Staff. Requests for training can be made by telephone at 202-225-7075.

In addition, the Committee on House Administration is conducting a review of the existing training, policies, and mechanisms to guard against and report sexual harassment. I have instructed the committee to be as thorough as possible, and I encourage you to share your ideas and feedback with Chairman Harper.

As always, my door is open to you. Our goal must be a culture where everyone who works in our offices feels safe and able to fulfill their duties. Thank you for your urgent attention to this matter.

Paul D. Ryan
Speaker

**Dear Colleague: Mandate Sexual Harassment Training in Your Offices Today**

November 3, 2017

Dear Colleague:
We write to urge you to use your own authority to adopt mandatory sexual harassment training for your offices. This training is already required for federal agencies. The Office of Compliance (OOC) offers a 30-minute online training, available now, that would be a good start for all of our offices to view and learn from, particularly considering that many staff may not be aware of what constitutes sexual harassment and misconduct. As you may have seen in recent news reports, Congress is not immune from horrific stories of sexual harassment, abuse, and misconduct. Former and current staffers spoke out on social media during the #MeToo campaign, which originated after the Harvey Weinstein sexual assault and harassment allegations, sharing stunning and embarrassing stories of workplace harassment, including groping, inappropriate emails and text messages, and predatory behavior on the part of both Members and staff.

Each of us has introduced bills aimed at protecting legislative branch employees from sexual harassment by requiring proactive measures such as sexual harassment prevention and response training, enhancing anti-retaliation protections for staffers who report harassment, and streamlining the dispute resolution process currently in place at the OOC. However, we can and should take whatever action we can now to prevent sexual harassment in Congress. We must lead by example in our own offices by instituting mandatory sexual harassment prevention and response training. Our staff works incredibly hard each day, and they deserve to have the same protections afforded their counterparts in the private sector as well as those in federal agencies. We should ensure that their workplaces are free from harassment and discrimination by doing whatever is in our power even if not required by law.

We may not always agree on matters of policy, but we should all come together to ensure our staff are as protected as they would be in the private sector or other branches of government. We therefore urge you to follow our lead and require regular sexual harassment prevention and response training in your offices for yourselves, as leaders of your offices, and for current and new employees.

Sincerely,
Eleanor Holmes Norton Jackie Speier Brenda Lawrence

**Cosponsor H.R. 4155, the Congressional Sexual Harassment Training Act**

**Current cosponsors:** Adams, Barragan, Bass, Beatty, Beyer, Sanford Bishop, Blunt Rochester, Bordallo, Brown, Bustos, Butterfield, Capuano, Cardenas, Carson, Castor, Clarke, Clay, Cleaver, Cohen, Conyers, Cooper, Correa, Costa, Crist, Crowley, Danny K. Davis, Demings, Ellison, Evans, Esty, Fudge, *Gonzalez-Colon, Gowdy,* Hanabusa, Hastings, Jackson Lee, Jeffries, Bernice Johnson, Hank Johnson, Kaptur, Kelly, Khanna, Lawson, Lee, Lewis, Lieu, Loebsack, Carolyn

Maloney, Sean Patrick Maloney, Moore, Norton, Pallone, Payne, Jr., Perlmutter, Pingree, Plaskett, *Poliquin*, Tim Ryan, Bobby Scott, David Scott, Sewell, Thompson, Vargas, Waters, Watson Coleman, Wilson, *David Young*
**Supporting organizations:** National Alliance to End Sexual Violence

Dear Colleague, Sexual harassment is deplorable and unacceptable in any workplace. Recent reports of high-profile and widespread sexual harassment and assault –including the cases of Harvey Weinstein, Bill O'Reilly, Uber, and many others– emphasize that this is a pervasive problem across our country. Here in Congress, one in six women say they have been sexually harassed in the workplace. This must stop.

All other federal offices have mandatory sexual harassment training. As a former Equal Employment Opportunity investigator for the Postal Service, I have years of experience enforcing workplace protections, and I believe Congress should be held to the same standards. The first step is to use the tools we already have on hand by mandating that every office participate in existing sexual harassment training.

**H.R. 4155, the Congressional Sexual Harassment Training Act, would require that all congressional offices enroll employees in existing sexual harassment training with the Congressional Office of Compliance (OOC). The bill requires offices to enroll all employees in training once every two years and enroll new employees within 60 days.** The OOC already provides a short, online sexual harassment training, but offices are not required to use it.

Since 1995, the OOC, which enforces 13 workplace rights laws in the legislative branch, has provided trainings, but they are voluntary. In contrast, annual ethics and cybersecurity trainings are mandatory for congressional staff. Since 2011 the OOC has recommended that Congress make harassment training mandatory, but we have not. Every office should be required to complete this basic training.

More can be done to tackle the issue of sexual harassment in Congress, but this is an important first step. We must take this step to support our employees. If you would like to cosponsor the bill, or have any questions, please contact Annika Christensen in my office at Annika.Christensen@mail.house.gov or (202) 225-5802.

Sincerely,
Brenda L. Lawrence
Member of Congress

**Congresswoman Lawrence Introduces the Congressional Sexual Harassment Training Act**

October 26, 2017
Press Release

**WASHINGTON, D.C.** – Rep. Brenda Lawrence (MI-14) today introduced the Congressional Sexual Harassment Training Act, which would require every congressional office to enroll employees in training to prevent sexual harassment. The Office of Compliance (OOC), which enforces workplace protection laws for the legislative branch, already offers sexual harassment training about employees' rights and recourses, but it is not mandatory. At the present time, executive branch employees must complete anti-harassment training every two years, while only ethics and cybersecurity trainings are mandatory for congressional offices.

"As a former human resources manager and certified Equal Employment Opportunity investigator for a federal agency, I care deeply about preventing and responding to sexual harassment in federal workplaces, and I believe it is unconscionable that every congressional office is not required to participate in this simple training solution that is already available," said Rep. Lawrence. "We must take this small, first step to support our employees' rights and serve as an example to the nation."

"Sexual harassment is deplorable and unacceptable in any workplace. Recent reports of high-profile and widespread sexual harassment and assault –including the cases of Harvey Weinstein, Bill O'Reilly, Uber, and many others– emphasize that this is a pervasive problem across our country. This must stop. The first step is to use the tools we already have on hand by mandating that every office participate in existing sexual harassment training."

Since 2011, the OOC has recommended that Congress make anti-harassment training mandatory, but it has not yet done so. This bill would ensure that all offices covered by the OOC, including congressional and support offices, enroll their employees in an existing sexual harassment training, which informs them of their rights and avenues for recourse and educates them on unacceptable behavior in the workplace. The bill requires offices to enroll all employees in the training once every two years and enroll new employees within 60 days. Offices could also offer additional trainings, but every office must complete this minimum requirement. This bill will align the congressional offices with the standards of our federal agencies.

"We must all work together to protect women and all our employees. This is not a divisive or partisan issue, this is something we can do today. More can be done, and more should be done in tackling this important issue; but this is an important first step. It requires every single member of Congress to stand up and be held accountable for preventing sexual harassment. I call on my colleagues to support this legislation and protections for employees, as I intend to stand strong with those who would do the same."

**Background:**

- In a July 2017 Roll Call survey of congressional staff, one in six women said they had personally been the victim of workplace sexual harassment, while four in 10 women said they believe sexual harassment is a problem on Capitol Hill. Only 10% of women are aware of structures in place for reporting harassment in Congress.
- The Office of Compliance, which enforces legislative branch workplace protections, has
- Recommended for years, in its annual reports to Congress, that anti-harassment training be mandatory for each office. Mandatory training is a best practice to help prevent incidents and protect employees.
- Congress has not acted to simply make the existing training mandatory. Previous legislative attempts have tried to fund OOC's harassment training and require House offices to include harassment training in ethics training. This bill requires all covered legislative offices to participate in the training already offered by the OOC. The OOC provides a 23-minute online sexual harassment training.
- The bill requires employing offices to ensure that current employees enroll in training every two years, and new employees enroll no more than 60 days after they are hired.

###

**Introduced in House (10/26/2017)**

115TH CONGRESS
1ST SESSION

**H. R. 4155**

To amend the Congressional Accountability Act of 1995 to require employing offices under such Act to enroll the employees of such offices every two years in the program carried out by the Office of Compliance to train employees in the protections against sexual harassment provided under the Act, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2017

Mrs. LAWRENCE (for herself, Ms. BASS, Mr. BROWN of Maryland, Mr. JEFFRIES, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ELLISON, Ms. SEWELL of Alabama, Mr. DANNY K. DAVIS of Illinois, Mr. DAVID SCOTT of Georgia, Mr. LAWSON of Florida, Mr. LEWIS of Georgia, Mrs. BEATTY, Ms. KELLY of Illinois, Mrs. DEMINGS, Ms. LEE, Mr. CLEAVER, Mr. BUTTERFIELD, Mr. JOHNSON of Georgia, Ms. MAXINE WATERS of California,

Ms. BLUNT ROCHESTER, Mr. EVANS, Mrs. WATSON COLEMAN, Ms. NORTON, Mr. HASTINGS, Ms. FUDGE, Ms. WILSON of Florida, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. PAYNE, Ms. PLASKETT, Mr. CARSON of Indiana, Ms. BORDALLO, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. JACKSON LEE, and Ms. CLARKE of New York) introduced the following bill; which was referred to the Committee on House Administration

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**A BILL**

To amend the Congressional Accountability Act of 1995 to require employing offices under such Act to enroll the employees of such offices every two years in the program carried out by the Office of Compliance to train employees in the protections against sexual harassment provided under the Act, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Congressional Sexual Harassment Training Act".

**SEC. 2. REQUIRING EMPLOYING OFFICES UNDER CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 TO ENROLL EMPLOYEES IN OFFICE OF COMPLIANCE PROGRAMS ON SEXUAL HARASSMENT.**

(a) MANDATORY ENROLLMENT IN PROGRAMS.—Part E of title II of the Congressional Accountability Act of 1995 (2 U.S.C. 1361 et seq.) is amended by adding at the end the following new section:

**"SEC. 226. MANDATORY ENROLLMENT OF EMPLOYEES IN OFFICE OF COMPLIANCE PROGRAMS ON SEXUAL HARASSMENT.**

"(a) BIENNIAL TRAINING FOR EMPLOYEES OF EMPLOYING OFFICES.—Each employing office shall ensure that each covered employee of the employing office enrolls every two years in the program of education carried out by the Office of Compliance under section 301(h) to inform covered employees of the rights provided under this Act against sexual harassment.

"(b) ADDITIONAL INITIAL TRAINING.—In addition to the biennial enrollment required under subsection (a), each employing office shall ensure that each covered employee of the employing office enrolls in the program described in subsection (a) not later than—

"(1) in the case of a covered employee who is a covered employee of the employing office as of the date of the enactment of this section, 90 days after such date; or

"(2) in the case of a covered employee who first becomes a covered employee of the employing office after the date of the enactment of this section, 60 days after first becoming a covered employee of the employing office.

"(c) EXCLUSION OF APPLICANTS AND FORMER EMPLOYEES.—In this section, the term 'covered employee' with respect to an employing office does not include an applicant for employment or a former employee.".

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to part E of title II the following new item:

"Sec. 226. Mandatory enrollment of employees in Office of Compliance programs on sexual harassment.".

**Rep. Speier Leads Bipartisan Bill to Require Sexual Harassment Training for Members of Congress and Staff**

November 2, 2017
Press Release

**Washington, DC** – Representatives Jackie Speier (D-CA), Ryan Costello (R-PA), Robert Brady (D-PA), and Bruce Poliquin (R-ME) today introduced the *Congressional Education About Sexual harassment Eradication Resolution*, or CEASE Resolution. This bipartisan resolution will require Members of the House, congressional staff, and other employees of the House to complete sexual harassment prevention and response training every year, and then file a certification of completion with the House Committee on Ethics.

"The Congressional Office of Compliance process is shockingly biased in favor of the perpetrator. This legislation is the first step to fix this abusive process," **Congresswoman Speier said.** "It's long past time that Congress held itself to the same standards applied to other branches of government and to the private sector."

"I believe mandatory compliance training for sexual harassment prevention and procedures for response should be instituted for Members of Congress and all employees of the House," **Congressman Costello said.** "This resolution is an important step forward to establishing a clear standard and approach to addressing this issue."

"Required training for Members and staff on sexual harassment prevention should be quickly adopted by the House," **Congressman Brady said.** I applaud Representative Speier's leadership on this issue, and this resolution is a necessary first step."

"It is fundamental to an employee's safety for he or she to always feel comfortable at their workplace, and it's past time Capitol Hill move in that direction," **Congressman Poliquin said**. "In Congress, we set the laws and the policies for employees in the Executive Branch requiring federal workers to undergo sexual harassment awareness training. How can we be expected to lead on those policies when we, ourselves, are so far behind? There can be no tolerance of any kind for sexual harassment anywhere—period."

Rep. Speier, who since 2014 has introduced legislation to address this egregious lack of basic training, will also introduce a bill next week to overhaul the Congressional complaint process to remove the overwhelming burden on survivors and provide transparency for the American taxpayers.

###

115TH CONGRESS
1ST SESSION

**H.RES.604**

Amending the Rules of the House of Representatives to require each Member, officer, and employee of the House to complete the program of sexual harassment prevention and response training in employment which is offered by the Office of Compliance, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2017

Ms. SPEIER (for herself, Mr. COSTELLO of Pennsylvania, Mr. POLIQUIN, and Mr. BRADY of Pennsylvania) submitted the following resolution; which was referred to the Committee on Ethics, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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**RESOLUTION**

Amending the Rules of the House of Representatives to require each Member, officer, and employee of the House to complete the program of sexual harassment prevention and response training in employment which is offered by the Office of Compliance, and for other purposes.

*Resolved,*

**SECTION 1. SHORT TITLE.**

This resolution may be cited as the "Congressional Education About Sexual harassment Eradication Resolution" or the "CEASE Resolution".

**SEC. 2. MANDATORY COMPLETION BY ALL HOUSE MEMBERS AND STAFF OF OFFICE OF COMPLIANCE PROGRAM OF SEXUAL HARASSMENT PREVENTION AND RESPONSE TRAINING IN EMPLOYMENT.**

(a) MANDATORY COMPLETION AND CERTIFICATION.—Rule XXIII of the Rules of the House of Representatives is amended—

(1) by redesignating clause 18 as clause 19; and

(2) by inserting after clause 17 the following new clause:

"18. (a) Each Member, Delegate, Resident Commissioner, officer, and employee of the House shall annually complete the program of sexual harassment prevention and response training in employment which is offered by the Office of Compliance.

"(b) Not later than January 31 of each year, each Member, Delegate, Resident Commissioner, officer, and employee of the House shall file a certification with the Committee on Ethics that the individual completed the program required under this clause in the previous year.

"(c) A new Member, Delegate, Resident Commissioner, officer, or employee of the House shall complete the program required under this clause, and shall file a certification with the Committee on Ethics that the individual completed the program, not later than 60 days after beginning service to the House.

"(d) For purposes of this clause, 'sexual harassment' means any conduct directed at an individual which consists of unwelcome sexual advances, requests for sexual favors, any other conduct of a sexual nature, or conduct based on the individual's sex if such conduct has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment, or if submission to or rejection of such conduct by the individual is used as the basis for employment decisions affecting the individual, or if submission by the individual to such conduct is made either explicitly or implicitly a term or condition of the individual's employment.".

(b) REQUIRING IMMEDIATE COMPLETION OF PROGRAM FOR CURRENT MEMBERS AND STAFF.—

(1) REQUIREMENT.—Each individual who as of the date of the adoption of this resolution is serving as a Member, Delegate, or Resident Commissioner of the House of Representatives, or serving as an officer or employee of the House, shall—

(A) complete the program of sexual harassment prevention and response training in employment which is offered by the Office of Compliance; and

(B) file a certification with the Committee on Ethics that the individual completed the program.

(2) VIOLATION OF CODE OF CONDUCT.—The failure of an individual to meet the requirement of paragraph (1) shall be considered a violation of rule XXIII of the Rules of the House of Representatives (relating to the Code of Conduct for Members, officers, and employees of the House).

(3) DEADLINE.—An individual shall meet the requirement of paragraph (1) not later than the earlier of—

(A) 120 days after the date of the adoption of this resolution; or

(B) December 31, 2018.

(4) DEFINITION.—For purposes of this subsection, the term "officer or employee of the House" has the meaning given such term in clause 19 of rule XXIII of the Rules of the House of Representatives (as redesignated by subsection (a)).

(c) SENSE OF THE HOUSE REGARDING UPDATES TO OFFICE OF COMPLIANCE PROGRAM.—

(1) UPDATES.—It is the sense of the House of Representatives that, not later than 180 days after the date of the adoption of this resolution, the Office of Compliance should update the program of sexual harassment prevention and response training in employment which is offered by the Office to Members, officers, and employees of the House to include the following:

(A) Practical examples, derived from situations easily recognizable to employees of the House, which are aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and at instructing employees in how to recognize situations of harassment.

(B) Information regarding the rights of employees, the options for reporting complaints, and an overview of the dispute resolution process.

(C) Training regarding bystander intervention.

(D) An overview of the consequences for perpetrating sexual harassment.

(E) Information regarding anti-retaliation policies for witnesses to or individuals who experience sexual harassment and come forward to report it.

(F) Interactive methods of instruction which apply adult learning methodology.

(2) CONSULTATION.—It is the sense of the House that the Office of Compliance should consult with the Workplaces Respond to Domestic and Sexual Violence: A National Resource Center (also known as "Workplaces Respond"), the nonprofit nongovernmental entity described in section 41501 of the Violence Against Women Act of 1994 (34 U.S.C. 12501), in updating and implementing the program described in paragraph (1).

**Norton Requests to Testify at Hearing on Sexual Harassment in Congress**
Nov 8, 2017
Press Release
WASHINGTON, D.C.—The office of Congresswoman Eleanor Holmes Norton (D-DC) today released Norton's letter to the House Administration Committee requesting to testify at an upcoming committee hearing on the House's sexual harassment policies, including whether to require Members and staff to complete sexual harassment training. The hearing is scheduled to take place on Tuesday, November 14, 2017, at 10:00 a.m., in 1310 Longworth House Office Building. As the first woman to chair the Equal Employment Opportunity Commission (EEOC), Norton issued the first guidelines holding sexual harassment to be a violation of equal employment laws, and the U.S. Supreme Court later upheld those guidelines. Last week, Norton introduced a bill to offer congressional employees the same workplace protections, including required sexual harassment training, as other federal and private sector workers. Norton has required herself and her congressional staff to complete sexual harassment training, and has urged her colleagues to mandate training even before a formal House requirement.

In her letter, Norton wrote, "I understand that the committee is reviewing the House's sexual harassment policies, and I believe that my past role as Chair of the Equal Employment Opportunity Commission (EEOC) could provide valuable insight for the committee as it undertakes its review. I was appointed in 1977 to the EEOC as the first woman Chair, and enforced federal job discrimination laws, such as Title VII of the 1964 Civil Rights Act, which bars job discrimination. As Chair, I issued the first guidelines holding sexual harassment to be a violation of equal employment laws, and the Supreme Court upheld our guidelines."

Norton's full letter is below.
The Honorable Gregg Harper
Chairman
House Administration Committee
1309 Longworth House Office Building
Washington, DC 20515

The Honorable Robert Brady
Ranking Member
House Administration Committee
1307 Longworth House Office Building
Washington, DC 20515

Dear Chairman Harper and Ranking Member Brady:
I write to request to testify at the House Administration Committee's hearing on November 14, 2017, which will focus on sexual harassment awareness training. I understand that the committee is reviewing the House's sexual harassment policies, and I believe that my past role as Chair of the Equal Employment Opportunity Commission (EEOC) could provide valuable insight for the committee as it undertakes its review. I was appointed in 1977 to the EEOC as the first woman Chair, and enforced federal job discrimination laws, such as Title VII of the 1964 Civil Rights Act, which bars job discrimination. As Chair, I issued the first guidelines holding

sexual harassment to be a violation of equal employment laws, and the Supreme Court upheld our guidelines.

More recently, I led a letter with our House colleagues, Representative Jackie Speier and Representative Brenda Lawrence, asking Members to take action on their own to require sexual harassment training in our offices while our bills that mandate training are pending. I have taken these actions myself and see no reason why Members should not immediately act on their own to protect their staff from workplace harassment.

I look forward to hearing from you.
Sincerely,
Eleanor Holmes Norton
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**Norton Introduces Bill to Offer Congressional Employees Same Workplace Protections, Including Sexual Harassment Provisions, as Other Federal and Private Sector Workers**

Oct 31, 2017
Press Release
WASHINGTON, D.C.—Congresswoman Eleanor Holmes Norton (D-DC), who authored the nation's first sexual harassment guidance as the first woman to chair of the Equal Employment Opportunity Commission (EEOC), today introduced a bill to subject Congress and its agencies to the same comprehensive civil rights laws and federal health and safety standards that currently apply to executive branch agencies and private sector employers, but not to Congress. Congress passed the Congressional Accountability Act of 1995 (CAA) to bring the legislative branch under 13 major civil rights, labor and workplace safety and health laws, but it exempted the legislative branch from important notice and training provisions, and altogether omitted important substantive and administrative protections. Norton's bill provides general whistleblower protections, anti-retaliation measures, and makes applicable additional Occupational Safety and Health Act (OSHA) provisions to the legislative branch, including providing subpoena authority to the Office of Compliance (OOC), which was established by the CAA, to conduct inspections and investigations into OSHA violations.

"As sexual harassment takes an increasingly high profile, it is impossible to justify exempting congressional offices from the comprehensive provisions Congress now requires of private employers and federal agencies, especially sexual harassment laws that protect workers, such as requiring employers to post workers' rights or to conduct training," Norton said. "The public debate on sexual harassment also raises the importance of granting congressional staff the same civil and anti-discrimination protections afforded to other federal workers. Congress must facilitate a workplace culture where employees feel protected and know their rights are protected. Particularly in a work environment such as Congress, where powerful figures often play an outsized role with a sense of their own importance, sexual harassment and other forms of discrimination must be met head on, especially by Members of Congress, who have compelled other institutions to observe strict standards."

Norton's introductory statement is below.

**Statement of Eleanor Holmes Norton on the Introduction of the Congress Leads by Example Act of 2017**

I am introducing the Congress Leads by Example Act, which would subject Congress and the rest of the legislative branch to the federal whistleblower and anti-discrimination laws that now protect employees in the private sector and the executive branch. Now more than ever, especially given ongoing reports of sexual harassment and other workplace abuses in the legislative branch, Congress should abide by the laws it imposes on the American people, American businesses, and others. Congress has already acknowledged the importance of accountability in the legislative branch when it passed the Congressional Accountability Act of 1995 (CAA).

The CAA was an important first step in making the legislative branch accountable for its employment practices, but it did not finish the job. The CAA did bring the legislative branch under 13 major civil rights, labor and workplace safety and health laws, but it exempted the legislative branch from important notice and training provisions, and altogether omitted important substantive and administrative protections. In its annual report for fiscal year 2016, the Office of Compliance (OOC), which was established through the CAA, identified additional provisions of federal workplace laws and standards that should be applicable to the legislative branch. OOC's recommendations include mandatory anti-discrimination and anti-retaliation training, providing whistleblowers with protection from retaliation by making the Whistleblower Protection Act of 1989 applicable to the legislative branch, and urging Congress to approve regulations that provide additional protections under the Family and Medical Leave Act and the Americans with Disabilities Act. This bill takes into account the OOC report, and seeks to both apply the standard of fairness to employees in the legislative branch that Congress requires for other employees and to provide a safer work environment for Congress, Capitol Hill employees, and visitors by bringing the legislative branch in line with the legal requirements of private sector employers and the executive branch.

My bill is a necessary companion to the CAA, particularly in light of recent news reports of appalling behavior on the part of Members of Congress and staff in positions of authority in Member offices and committees. Former and current staffers spoke out on social media during the #MeToo campaign, which originated after the Harvey Weinstein sexual assault and harassment allegations, sharing horrifying stories of workplace harassment, including groping, inappropriate emails and text messages, and predatory behavior on the part of both Members and staff. But many legislative branch employees who have been victims of workplace harassment or worse have not felt empowered to report it since they are not protected from retaliation. My bill provides general whistleblower protections, anti-retaliation measures, and makes additional Occupational Safety and Health Act (OSHA) provisions applicable to the legislative branch, including providing subpoena authority to OOC to conduct inspections and investigations into OSHA violations.

This bill also furthers the CAA's mission to prevent discrimination in legislative branch offices by prohibiting the legislative branch from making adverse employment decisions on the basis of an employee's wage garnishment or involvement in bankruptcy proceedings pursuant to the Consumer Credit Protection Act and Chapter 11 of the bankruptcy code. This bill requires legislative branch employers to provide their employees with notice of their rights and remedies under the CAA anti-discrimination provisions through the placement of signage in offices

highlighting relevant anti-discrimination laws, including Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act. This bill also requires legislative branch offices to provide training to employees about their CAA rights and remedies. Finally, this bill bolsters the CAA's recordkeeping requirements. It extends to the legislative branch the obligation to maintain accurate records of safety information and employee injuries, as otherwise required by OSHA, as well as employee records necessary to administer anti-discrimination laws.

By passing this bill, Congress will help restore the public trust in this institution by redoubling our efforts to exercise leadership by example. I urge bipartisan support for this important measure.

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H.R.4195 - To amend the Congressional Accountability Act of 1995 to provide enhanced enforcement authority for occupational safety and health protections applicable to the legislative branch, to provide whistleblower protections and other antidiscrimination protections for employees of the legislative branch, and for other purposes.**115th Congress (2017-2018)**

**Sponsor:** Rep. Norton, Eleanor Holmes [D-DC-At Large] (Introduced 10/31/2017)

**Committees:** House - House Administration; Judiciary; Education and the Workforce

**Latest Action:** House - 10/31/2017 Referred to the Committee on House Administration, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

As of 11/06/2017 text has not been received for H.R.4195

**Dem lawmaker: Congress still has a 'serious' sexual harassment, assault problem**
**BY JOHN BOWDEN - 11/08/17 09:12 AM EST**
**The Hill**
http://thehill.com/homenews/house/359336-dem-lawmaker-congress-still-has-a-serious-sexual-harassment-assault-problem
California Rep. Jackie Speier (D) said Wednesday that Congress still has a "serious" problem with sexual harassment and assault, in part because members are not required to go through sexual harassment training upon taking office.

In an interview with CNN's "New Day," Speier called for House leadership to make immediate changes to sexual harassment guidelines on Capitol Hill.

"We still have a serious problem in Congress, in part because we've never addressed it," Speier said Wednesday. "There's no requirement, mandatory requirement for sexual harassment training for members and staff, I have a bill to do that this year."

Speier characterized Congress' system of reporting sexual assault and harassment as a system that "protects the accused" rather than the victims of crimes.

"More importantly, we have a system that is really there to protect the accused and to diminish the victim," Speier said. "The victims who I've talked to who have had current cases before the Office of Compliance, it's a nightmare what they have gone through."

"So, it's no surprise that three-quarters of those who are sexually harassed don't even report it," she continued. "We have to change the system so that these nondisclosure agreements are not required, that they have the opportunity to be represented by counsel, that their claims are given serious attention."

Speier's remarks come just a day after several senators introduced a resolution to require members, staff, interns, fellows and detailees to complete mandatory sexual harassment training.

"Today, I'm introducing a bipartisan resolution to ensure that the Rules Committee has the authority necessary to ensure that every member of this chamber, every employee on the Senate payroll, and every unpaid Senate intern receives anti-harassment training," Sen. Chuck Grassley (R-Iowa) said in a prepared statement.

Grassley's resolution calls for the Senate Rules Committee to issue rules for sexual harassment training, including required training within the first 60 days once a member or Senate staffer starts their position.

**Senators pitch bipartisan reform of Hill sexual harassment system**
**By ELANA SCHOR 11/07/2017 04:40 PM EST Updated 11/07/2017 05:40 PM EST**
**Politico**

https://www.politico.com/story/2017/11/07/grassley-proposes-mandatory-sexual-harrasment-training-244648

Sen. Chuck Grassley (R-Iowa) on Tuesday proposed new bipartisan legislation to immediately require sexual harassment training for senators as well as aides and update the training to better reflect the experiences of victims.

The measure from Grassley, who crafted the 1995 law that first set workplace conduct standards for Capitol Hill, comes as female lawmakers and aides — both current and former — come forward to share stories of sexual harassment they experienced on the job.

The bipartisan Senate proposal released Tuesday would require lawmakers and aides to undergo training within 60 days after the Senate Rules Committee issues instructions. Among Grassley's cosponsors are the Rules panel's top Democrat, Minnesota Sen. Amy Klobuchar, and Kirsten Gillibrand (D-N.Y.), who is writing her own legislation strengthening the Hill's harassment-policing system.

"I believe each of you works hard to ensure that your offices are professional, free of harassment, and places where merit's rewarded," Grassley told colleagues in remarks prepared for his measure's introduction.

"But I think we have to acknowledge that in our society, despite our best efforts and intentions, sexual harassment remains a serious problem. And we must work together to make sure that the Senate remains free from harassment."

Sens. Joni Ernst (R-Iowa), Dianne Feinstein (D-Calif.), Shelley Moore Capito (R-W.Va.) and Ron Johnson (R-Wis.) are also cosponsors of the proposal, which calls for a review of and update to the current sexual harassment training programs.

Changes should touch on "practical examples aimed at instructing supervisors" about how to prevent workplace misconduct, "a discussion of the consequences for perpetrators," and a reminder of the legal penalties for retaliation against victims who allege harassment on the job, according to an advance copy of the legislation obtained by POLITICO.

The bill states that those updates to the Senate's training program, administered by the Office of Compliance and Office of the Chief Counsel for Employment, should include input from "entities having significant expertise in identifying, preventing, and responding to sexual harassment" as well as victims of harassment and victims' advocates.

"Every office should receive the same training so the Senate maintains a culture in which harassment is not tolerated," Grassley said in his prepared remarks. "This is a common interest we all share. The voters who sent us here expect the best."

The Senate bill also would institute a confidential survey to gauge the extent of lawmakers' and employees' experience with harassment in the workplace.

Rep. Brenda Lawrence (D-Mich.), the author of a House plan to require harassment training, suspended her top aide Tuesday after POLITICO reported on complaints raised about him by fellow employees in her office.

As such legislation draws further interest on both sides of the aisle, more than 400 former congressional aides in both parties on Tuesday have already added their names to an open letter that asks GOP and Democratic leadership for a broader reform of the current system for handling harassment claims on the Hill. Current rules require any congressional employee alleging harassment to undergo counseling and mediation before filing a complaint, a process that can stretch out for three months.

"We believe that Congress's policies for preventing sexual harassment and adjudicating complaints of harassment are inadequate and need reform," the former aides wrote.

The letter's organizers are Travis Moore, a former legislative director for retired Rep. Henry Waxman (D-Calif.) who founded the nonprofit TechCongress, and Kristin Nicholson, a former chief of staff to Rep. James Langevin (D-R.I.).

Moore said in an interview that the effort was partly inspired by the "very brave" video released last month by Rep. Jackie Speier (D-Calif.), a longtime proponent of mandatory sexual harassment training and a stronger system for handling complaints, in which Speier relayed her own story of being forcibly kissed while serving as a congressional aide.

"Former staff can speak out on this in a way that current staff really can't" given the risk that calls for reform could unfairly reflect on their current employers, Moore said — recalling that while he worked on the Hill, female friends would often share "rumblings about members of Congress in elevators saying inappropriate things."

**Former Hill staff calls for mandatory harassment training**
**BY REID WILSON - 11/07/17 10:20 AM EST**
**The Hill**
http://thehill.com/homenews/news/359095-former-hill-staff-calls-for-mandatory-harassment-training
Hundreds of former Capitol Hill staffers will call on congressional leaders to require mandatory sexual harassment training for members of Congress as reports of inappropriate and aggressive behavior circulate in political circles around the country.

A letter circulating through social media networks this week had collected more than 180 signatures of former congressional staffers by Tuesday morning. One signer said those spearheading the letter hoped to gain 300 signatures before it is formally sent to congressional leaders.

The letter, addressed to Sens. Mitch McConnell (R-Ky.), Charles Schumer (D-N.Y.), Richard Shelby (R-Ala.) and Amy Klobuchar (D-Minn.), House Speaker Paul Ryan (R-Wis.), Minority

Leader Nancy Pelosi (D-Calif.) and Reps. Greg Harper (R-Miss.) and Bob Brady (D-Pa.), says Congress has not done enough to end the culture of harassment that is pervasive on the Hill.

"We believe that Congress's policies for preventing sexual harassment and adjudicating complaints of harassment are inadequate and need reform," the letter says. "Members of Congress and Chiefs of Staff should be made aware of their responsibility for preventing and reporting cases of sexual harassment and the [Office of Compliance] should have the authority to investigate complaints of abuse or harassment."

Shelby is the chairman of the Senate Rules Committee, where Klobuchar serves as the ranking Democrat. Harper runs the House Administration Committee, where Brady is the top Democrat.

The letter is being circulated by Travis Moore, a former legislative director for former Rep. Henry Waxman (D-Calif.) who now runs the San Francisco-based firm TechCongress.

"Capitol Hill is a very different work environment from anywhere else in America. Each office has its own set of office policies, and varying degrees of following through on enforcing any of them," said Mara Sloan, a former Hill staffer who now works at the Democratic Legislative Campaign Committee. "For years, bad behavior has been ignored and accepted. I signed this letter to add to the growing collective voice that is saying we will not stand for business as usual anymore."

Under current rules, congressional staffers who experience harassment may report violations to the Office of Compliance (OOC). But those rules require someone to wait 90 days after harassment occurs before filing a complaint. Anyone reporting harassment must undergo 30 days of mandatory counseling and 30 days of mediation before they are permitted to pursue legal action.

The letter asks the House and Senate to require mandatory harassment training, to make counseling and mediation voluntary for those who want to file a complaint with OOC and for Congress to survey its staff to assess just how much harassment goes on within congressional offices.

Four lawmakers last week told the Associated Press they had experienced sexual harassment, including unwanted advances, during their time on Capitol Hill. The letter cites a 2016 survey by CQ/Roll Call that found 40 percent of women on Capitol Hill agreed that harassment is a problem in the halls of Congress.

Last weekend, Pelosi told the AP that Congress needs to change its system of reporting and combatting harassment. Ryan urged members to undergo sexual harassment awareness training and to mandate such training for their staff.

Sen. Kirsten Gillibrand (D-N.Y.) has filed legislation to streamline harassment complaints.

"We must ensure that this institution handles complaints to create an environment where staffers can come forward if something happens to them without having to fear that it will ruin their careers," Gillibrand said in a statement last week.

**Growing calls for reforms to sexual harassment policies in Congress**
**By MJ Lee and Sunlen Serfaty, CNN**
**Updated 3:48 PM ET, Tue November 7, 2017**
http://www.cnn.com/2017/11/07/politics/sexual-harassment-congress-policy/index.html
(CNN)Calls to reform how Congress handles allegations of sexual harassment are gaining steam, as current and former lawmakers and staff push to overhaul an arcane and complex system that they argue doesn't protect victims.

A group of former Hill aides have organized a signature-gathering campaign for a letter calling on congressional leaders to reform what they argue are "inadequate" sexual harassment policies in Congress. The calls for reform follow waves of allegations of sexual misconduct that have shaken industries and institutions, stemming from a series of bombshell reports earlier this fall regarding Hollywood executive Harvey Weinstein.

An email obtained by CNN Tuesday morning and signed by Travis Moore, a former legislative director for ex-Rep. Henry Waxman, a California Democrat, asks recipients to add their names to a letter that would be sent to key congressional leaders later this week.

"The current policy requires victims to, among other things, spend 30 days in mandatory 'counseling' before the individual can file a grievance," the letter states. "It is a process that experts say -- intentionally or not -- keeps victims from coming forward. It's not OK."
Currently, if a congressional staffer wants to file a formal complaint -- they must first go through a lengthy, multi-tiered process that could drag out over months before an official complaint can even be formally lodged.

The accuser must first engage in 30 days of counseling with a legal counselor in the Office of Compliance. After 30 days, they can choose to go into mediation with a representative within the office with whom they're lodging complaint against. That mediation would last at least 30 days. When mediation is finished, the accuser must wait 30 days -- but not wait longer than 90 days. It is only then, after those steps, could the accuser officially file a formal complaint and pursue a hearing either with the Office of Compliance or Federal District Court, but not both.

Moore wrote in his email that he and the organizers had originally hoped to get at least 300 signers by Wednesday. (As of midday Tuesday, the letter appeared to have more than 360 signers.)

"Recognizing that it would be extremely difficult for current staff to advocate for changes themselves, given the political constraints, some of us decided to organize a letter from former staff asking for reform," Moore wrote.

Reached on the phone Tuesday, Moore told CNN that he "always suspected" that sexual harassment was a widespread problem on Capitol Hill.

"You hear rumblings about it," said Moore, who founded TechCongress after leaving Waxman's office. When he recently reached out to friends about sending a letter to Hill leaders, he said the response was overwhelmingly supportive.

"Everybody I reached out to said, 'Yes, this is an issue. We should write a letter,'" he said. "Current staff are really weary of being a part of stories. We felt an obligation to try and do something because we have the freedom."

The letter comes as efforts are underway in the House and Senate to address the issue of sexual harassment on Capitol Hill, but it is not yet clear what changes, if any, those efforts may eventually lead to.

The House administration committee, the committee that oversees employment and daily logistical issues of the House of Representatives, has launched a review of the current sexual harassment policies and training and will hold a hearing on the topic November 14.
House Speaker Paul Ryan has called on members and staff to step up their sexual harassment training, writing a memo to staffs last week encouraging them to mandate training for their offices.

But Ryan's call stops short of signing on to any legislative efforts underway that would change policy to mandate training.

In the House, multiple pieces of legislation have been proposed. The most prominent is from Rep. Jackie Speier, a California Democrat who came out with her own allegations of sexual harassment when she was a young staffer on the Hill 40 years ago.

She introduced the first of two pieces of legislation last week with two Republican co-sponsors, Rep. Ryan Costello from Pennsylvania and Rep. Bruce Poliquin from Maine. Their bill would change current House policy to make sexual harassment training mandatory annually for all House members and their staff.

Speier is also gearing up to release a more comprehensive piece of legislation this week in the House which would address broader reforms to the complaint process within the Office of Compliance -- complementary to Sen. Kirsten Gillibrand's legislation that will be introduced in the Senate.

**Senate moves toward mandatory anti-harassment training for members, staff**
**By Elise Viebeck November 7 at 6:22 PM**
https://www.washingtonpost.com/powerpost/senate-moves-toward-mandatory-anti-harassment-training-for-members-staff/2017/11/07/0c9c8e30-c3ff-11e7-afe9-4f60b5a6c4a0_story.html?utm_term=.7d749e7ee023

The Senate took a crucial step Tuesday toward requiring members and staff to undergo training to prevent sexual harassment, a change that would bring the upper chamber's employment rules more in line with the rest of the federal government.

A bipartisan group of senators led by Judiciary Committee Chairman Charles E. Grassley (R-Iowa) introduced a resolution mandating periodic anti-harassment training for senators, officers, aides and interns. The eight-page bill also orders the Senate to conduct a regular anonymous survey to gauge the prevalence of sexual harassment in its offices.

Grassley introduced the bill with Sens. Dianne Feinstein (D-Calif.), Amy Klobuchar (D-Minn.), Joni Ernst (R-Iowa) and Kirsten Gillibrand (D-N.Y.) after reports in The Washington Post and other news outlets documented the persistence of sexual harassment, particularly of young female staff members, in the halls of Congress. Leaders on Capitol Hill have been forced to confront the issue after a rash of allegations of abuse and misbehavior toppled movie producer Harvey Weinstein.

"We should do everything possible to make sure our colleagues and staffs don't have to endure harassment if we can prevent it," Grassley said in a statement. "Trainings like this are important for cultivating the right kind of working environment and setting the baseline standards that any place of work should have."

The Senate Training on Prevention (STOP) Sexual Harassment Resolution seeks to ensure compliance under the new system by requiring offices to supply lists of their employees to the Rules Committee designating whether they have completed anti-harassment training. Mandatory training must include discussion of the prohibition on retaliation against people who report harassment, the bill states.

The measure must pass the Rules Committee to receive a vote by the full Senate.

Asked when the panel might consider the resolution, Blair Bailey Taylor, spokeswoman for Chairman Richard C. Shelby (R-Ala.), wrote in an email: "The Committee is actively considering the issue with the goal of reaching a bipartisan agreement in the very near future."

Across the Capitol, Speaker Paul D. Ryan (R-Wis.) urged representatives Friday to undergo sexual harassment training and mandate it for staffers.

Ryan has also ordered the Committee on House Administration to review policies and training materials aimed at stopping sexual harassment. The panel will hold a hearing on the issue on Nov. 14.

**Congresswoman tolerated abusive behavior by top aide, female ex-staffers say**
**Rep. Brenda Lawrence authored legislation to curb sexual harassment. But several former aides say they were harassed by her chief of staff.**
**By RACHAEL BADE 11/07/2017 05:00 AM EST Updated 11/07/2017 03:00 PM EST**
**Politico**

https://www.politico.com/story/2017/11/07/brenda-lawrence-harassment-bill-aide-244617
A lawmaker pushing for a more aggressive response to sexual harassment on Capitol Hill has kept her chief of staff on payroll despite receiving multiple complaints by women in her office about his behavior toward them, according to several former aides.

Rep. Brenda Lawrence, a former harassment complaint investigator for the federal government, introduced legislation recently to require congressional staffers to take an online course on sexual harassment. "You have to set a tone. You have to establish this benchmark of zero tolerance," the Michigan Democrat said on ABC's "This Week" late last month.

But three former aides to Lawrence, all female, told POLITICO they personally relayed concerns to the congresswoman about how the chief of staff, Dwayne Duron Marshall, treated women. Each believed they made it clear to Lawrence that women in the office did not feel comfortable around Marshall or that he treated women differently than men. Two said they told her Marshall was the reason they were leaving her office. And one said she specifically cited "inappropriate" comments and physical contact.

Lawrence denied in an interview that any current or former employee complained specifically about sexual harassment. She did, however, acknowledge what she called "management-style issues" in her office and said she responded with "individual personnel actions" — though she would not say against whom or why.

Whatever issues were brought to her attention, Lawrence was adamant that they did not constitute sexual harassment. She said she never heard about or witnessed unwanted touching or sexist comments by her top aide.

"I want to be very clear, very firm, that I had no knowledge of any allegations of sexual harassment in my office, and when I say none, I mean none," she said in a phone interview. "I have had individual conversations with some of my employees when they had exit interviews. I've had one-on-ones, and we have discussed things in the office that they felt we could do better. I have implemented training and other positive forms of correction. ... But I have not, and I want to be very clear, have not ever, had an employee — former or present — talk to me about sexual harassment in my office."

After publication of this story Tuesday, Lawrence placed Marshall on leave pending an investigation. In an updated statement, she said she had "requested the assistance of House and outside independent management resources to investigate and assess the current environment of my office so that I can take appropriate corrective action as necessary."

In a statement also issued after this story posted, Marshall denied ever sexually harassing anyone. He said he would continue working for Lawrence as she tries to build support for her anti-sexual harassment legislation.

"In my 28 years of public service, I have never had any kind of complaint filed against me nor have I ever sexually harassed anyone!" he said in the statement, sent to POLITICO after this

story posted. "In fact, for the last 17 years of my career, I have directly represented women in the workplace. Despite these slanderous accusations, I will continue to focus on working on behalf of the constituents in our district."

The aides, who spoke on condition of anonymity for fear of retribution, told POLITICO they did not use the term "sexual harassment" but said their comments and concerns should have raised alarms with Lawrence, especially given her background.

"She's complicit because she knows," said one of the three ex-staffers who said she spoke with Lawrence about Marshall. "She knows he makes comments. She knows he rubs the back and rubs the shoulders. ... She'd say, 'I know there are some problems, but he has his good points too,' and '[the good] outweighs the other stuff.'"

Another of the three former aides who relayed concerns, upon hearing Lawrence's denial, said: "She's completely full of shit."

Lawrence has asked the women to come forward to tell her more about their experiences.

"Had I known, I absolutely would have addressed it and made it stop," she said. "I understand the individuals are anonymous. I encourage them to come talk to me, because I don't want that behavior in my office."

The Lawrence office controversy comes amid heightened scrutiny of the lack of safeguards against harassment on Capitol Hill. Numerous former female lawmakers have spoken publicly about inappropriate comments made to them by male lawmakers. And congressional staffers have privately shared stories with POLITICO about what they feel has become a culture of silence in an institution dominated by men.

The situation also shows that the problem appears to extend even to one of the most outspoken lawmakers on sexual harassment matters.

In interviews, former aides to Lawrence described a work atmosphere of anxiety for female aides, particularly where looks were concerned. They said Marshall would regularly remark on women's appearances, telling younger female staffers about how beautiful they were and how it was a shame they were single. Another said he once complimented her on how her legs looked in a dress.

When women's looks did not meet Marshall's approval, he would make snide remarks, said a fourth former female aide, who said that at one point she felt pressured to go to the bathroom to put on mascara or lipstick. The same employee, who never reported the matter to Lawrence, said Marshall would lecture women for wearing flat shoes instead of high heels.

At least two former employees said they heard Marshall say he could not hire certain women because their looks were not up to par. He sometimes boasted that three of his female staffers made The Hill's "50 Most Beautiful" list, one former aide said.

When Marshall was pleased with their appearance, he would compliment female staffers, several of the former aides said. One former employee said Marshall often told her she was beautiful and would speak to her about her personal life and relationships, as well as his own.

Another former aide said she also witnessed Marshall asking a different female staffer about her dating life, telling the woman that she was too good for the man she was seeing and that she should meet with him to discuss the situation.

Marshall followed that employee to her car one evening, according to a staffer she'd later complain to. The situation made her so uncomfortable that the former aide, who quit after just a few months, began asking colleagues to walk her to her car.

The former employees also complained of unwanted touching. One former employee said Marshall would come up behind her and massage her shoulders or grab her by the waist. Another said Marshall once touched her neck while she was sitting at her desk, complimenting her hair.

Two former staffers also witnessed him grab a female colleague's midriff and tell her she was getting fat.

Marshall, who received a master's in government from the University of California, Berkeley in 1987, according to his LinkedIn profile, has worked in Congress since June 2004. He started with Rep. Carolyn Cheeks Kilpatrick (D-Mich.), working as her district director until early 2011. Four years later, after a stint at a political consulting firm, he returned to Capitol Hill to work for Lawrence.

Lawrence previously investigated harassment claims for the federal government and once served as a human resources manager. She often cites that experience while touting her bill that would mandate sexual harassment training for congressional staffers.

During her appearance on "This Week," Lawrence praised the "#MeToo" movement of women speaking out about their experiences with sexual harassment.

"It is giving reassurance and comfort for women to speak out," she said. "Because as long as we are silent, it continues."

In her interview with POLITICO last weekend, Lawrence said no one ever told her they were uncomfortable with Marshall. Asked whether she considered touching, like rubbing a colleague's shoulders, to be harassment, she said she did but had never heard about it happening in her office.

Asked whether remarks on a person's appearance constituted sexual harassment, she said it was subjective and it depended on the circumstances. She noted that she has a strict dress code in her office.

Pressed on whether women complained to her at all about Marshall, Lawrence demurred.

"You were clear that this article is about sexual harassment. I have never had a conversation with any employee about feeling sexually harassed in my office," she said. "And I'm not going to go off into another area if you're calling me about something else."

The issue came to the fore in 2016, when several women in Lawrence's office suddenly left — some after less than six months. One aide who quit that year said she told the congresswoman that Marshall was one reason for her departure. Marshall once startled the employee when he came up behind her and put his hand on the small of her back, just above her buttocks, causing her to jump, she said.

After she gave notice, Marshall grew angry and tried to make her stay, she said, telling her the job she "thinks" she had taken was not secure.

"He raised his voice and talked about how in Washington, D.C., you have to be careful," one staffer familiar with the incident recounted.

The employee took Marshall's words as a threat and said she took the matter to Lawrence. While the aide had expected to give a longer notice, she packed her things that day and left, later explaining to the congresswoman that she was too afraid and upset to work in her office anymore. The employee sought counseling at a Capitol Hill office to help staffers under stress.

A few months later, another employee leaving the office said she told Lawrence that Marshall was the reason. Marshall had initially called the staffer "pretty" when they interacted at work but had become increasingly mean, she said.

The aide said she told Lawrence she felt Marshall treated women differently than men, though she did not mention his comments on her looks. According to this staffer, Lawrence responded with sympathy, asking whether there was anything she could do.

"[Lawrence] said she was really sad to hear that, because she said that her goal in the office is to create an environment where women feel comfortable and where women can be successful, and she felt like she was failing doing that if I was coming to her for that reason," the former aide said.

By that time, the stream of women leaving had caused a stir in the office. Lawrence asked other employees whether they felt the same way about Marshall. At least one told her yes, and that many women in the office did, too.

"She had said to me, 'I'm really for women; I really want to support women's issues,'" one of the ex-staffers said. "And so we would say, 'Hey, well, Duron's a problem.'"

According to the employee, Lawrence responded that Marshall "has his good points and his bad points" and said, "I'm going to talk to him."

"It was amazing because it was someone you believed in," added the ex-aide, who was incensed by Lawrence's appearance on "This Week." "She knew [about Marshall's behavior], but she just wouldn't do anything about it."

**Pelosi backs sexual harassment legislation for Congress**
**By Maegan Vazquez, CNN**
**Updated 4:40 PM ET, Sun November 5, 2017**
http://www.cnn.com/2017/11/05/politics/pelosi-sexual-harassment-sotu-cnntv/index.html
**Washington (CNN)**House Minority Leader Nancy Pelosi on Sunday weighed in on the sexual harassment claims current and former female lawmakers are making against their male colleagues in Congress, saying she supports legislative action in Congress to address the issue. "Most of -- I didn't know about some of these things, because there is a nondisclosure provision. That has to go," Pelosi told CNN's Jake Tapper on "State of the Union" when asked what she plans to do about the harassment allegations. "But, anyway, we're at a tipping -- we're a different place. I'm kind of, I don't want to say excited about it because it's all very, very sad, but it's hopeful that we can do something very, very strong right now."

Pelosi's comments come after four California lawmakers -- former Republican Rep. Mary Bono and former Democratic Rep. Hilda Solis, former Democratic Sen. Barbara Boxer, and current Democratic Rep. Linda Sanchez -- came forward with allegations of sexual harassment by their colleagues in a recent report by the Associated Press.

California Democratic Rep. Jackie Speier recently discussed her own allegations of sexual harassment and assault she experienced as a young congressional staffer. Speier introduced legislation on Friday that would require sexual harassment training for members of Congress and their staff. Her office also said she plans to introduce another bill to address broader reforms to the current complaint process within the Office of Compliance, which is the agency with responsibility to handle sexual harassment claims on Capitol Hill under the Congressional Accountability act of 1995.

Right now, there is no requirement for sexual harassment training in the House of Representatives, although each individual office may elect to voluntarily have their staff attend training by the Office of Compliance.

In addition, if a congressional aide wants to file a formal complaint, she or he must first go through a lengthy, multi-tiered process that could drag out over months before an official complaint can even be formally lodged.
House Speaker Paul Ryan called for House members and their staff to step up sexual harassment training Friday.

"I strongly encourage you to complete sexual harassment training and to mandate the training for your staff. We can and should lead by example," Ryan said in a letter to members and staff. "Our goal must be a culture where everyone who works in our offices feels safe and able to fulfill their duties."

AshLee Strong, a spokeswoman for Ryan, says he backs a House administration committee review of how the House handles sexual harassment claims.

"The speaker believes the House Administration Committee is right to review the standing procedures and resources available to staff," Strong said in a statement provided to CNN. The House administration committee has recently launched a review of current sexual harassment training and policies, and the committee announced Friday that it will hold a hearing on the topic November 14.

Democratic Sen. Kirsten Gillibrand, of New York, announced Friday that she is introducing legislation to combat sexual harassment in Congress, which would overhaul the current process staffers take to report sexual harassment.

In addition to mandating annual sexual harassment training for members and staff, the legislation would require a "climate survey" to assess the scope of the problem in Congress, give interns access to the same resources as full-time staff, and drop the requirement that victims go through mediation before filing a complaint.
*CNN's Sunlen Serfaty and Daniella Diaz contributed to this report.*

**Pelosi supports training to prevent and report harassment**
**By The Associated Press**
**November 5, 2017 11:31 am**
**https://federalnewsradio.com/government-news/2017/11/pelosi-supports-training-to-prevent-and-report-harassment/**
WASHINGTON (AP) — The House Democratic leader hopes Congress will move quickly to pass legislation requiring lawmakers and their staff to complete training to prevent sexual harassment.

Rep. Nancy Pelosi's comments come after current and former members of Congress told The Associated Press how they had experienced sexual harassment from fellow lawmakers.

Democratic Rep. Jackie Speier of California has recently gone public with an account of being sexually assaulted by a male chief of staff while she was a congressional staffer. She's sponsoring legislation that would require the training.

Pelosi says Congress can do more. She cites as an example the removal of nondisclosure clauses that prevent victims from talking publicly of sexual harassment.



She tells CNN's "State of the Union" that she believes Congress is at a "tipping point" on the issue.

**House panel sets sexual harassment hearing**
**By JOHN BRESNAHAN 11/03/2017 03:34 PM EDT**
**Politico**
**https://www.politico.com/story/2017/11/03/house-panel-sets-sexual-harassment-hearing-244526**
A key House committee will hold a hearing on sexual harassment later this month, focusing on whether Congress is doing enough internally to prevent such behavior.

The House Administration Committee, which has jurisdiction over day-to-day operations of the chamber, will hold a Nov. 14 hearing on the issue, Chairman Gregg Harper (R-Miss.) announced Friday.

The hearing is part of a review of House policy on sexual harassment ordered by Speaker Paul Ryan (R-Wis.).

"This is an important issue and the House of Representatives is committed to preventing any form of harassment," Harper said in a statement. "We need to make certain that the House provides the needed sexual harassment awareness training, as well as policies that support a person's rights to report when they have been victimized."

Hours earlier, Ryan sent an email to all House offices urging members and staffers to undergo sexual harassment training.

"First, let me be absolutely clear that any form of harassment has no place in this institution. Each of us has a responsibility to ensure a workplace that is free from discrimination, harassment, and retaliation," Ryan said. "To that end, I strongly encourage you to complete sexual harassment training and to mandate for your staff."

**House panel schedules hearing on sexual harassment**
**Nov 3, 2017 4:32 PM EST**
**By Erica Werner, Associated Press and Juliet Linderman, Associated Press**
**https://www.pbs.org/newshour/politics/house-panel-schedules-hearing-on-sexual-harassment**
The House Administration Committee says it will hold a hearing as part of its review of House policies and training to combat sexual harassment.

The panel's chairman, Republican Rep. Gregg Harper of Mississippi, says he wants to ensure the House provides needed training about sexual harassment and remind lawmakers and staff of policies that support a person's right to report any incident of harassment.

Announcement of the Nov. 14 hearing comes after House Speaker Paul Ryan encouraged members of Congress to complete sexual harassment training and require such training for their staffs.

The news comes after one current and three former female members of Congress told The Associated Press they have been sexually harassed or subjected to hostile sexual comments by their male colleagues while serving in the House. The revelations come amid an intensifying national focus on sexual harassment and gender hostility in the workplace, and underscore that no woman is immune, even at the highest reaches of government.

The incidents occurred years or even decades ago, usually when the women were young newcomers to Congress. They range from isolated comments at one hearing, to repeated unwanted come-ons, to lewd remarks and even groping on the House floor.

Speaking on the record were current Rep. Linda Sanchez of California and former Sen. Barbara Boxer, former Rep. Mary Bono and former Rep. Hilda Solis.

House Speaker Paul Ryan is encouraging members of Congress to complete sexual harassment training and require such training for their staffs.

Ryan calls reports of sexual harassment by public figures "deeply disturbing" and said Congress "can and should lead by example" to combat harassment.

The Wisconsin Republican says lawmakers have approached him in recent days to express concerns about House policies against harassment. The Associated Press reported Friday that female lawmakers say they have been harassed or subjected to hostile sexual comments by fellow members of Congress.

In a letter Friday to all House members, Ryan said he wants to be "absolutely clear that any form of harassment has no place" in Congress, adding that lawmakers have a responsibility to ensure the Capitol is "free from discrimination, harassment and retaliation."

**Ryan urges colleagues to complete anti-harassment training**
**By Elise Viebeck and Kimberly Kindy November 3**
**Washington Post**
**https://www.washingtonpost.com/news/powerpost/wp/2017/11/03/ryan-urges-colleagues-to-complete-anti-harassment-training/?utm_term=.ac079067b535**
Speaker Paul D. Ryan (R-Wis.) urged House members to undergo training to prevent sexual harassment and to mandate the same for staff members, his most direct response yet to reports of inappropriate comments and unwanted touching on Capitol Hill.

"Let me be absolutely clear that any form of harassment has no place in this institution," Ryan wrote Friday in a letter to colleagues.

"To that end, I strongly encourage you to complete sexual harassment training and to mandate the training for your staff. We can and should lead by example," he wrote.

The note came as lawmakers debate how to address reports of persistent sexual harassment affecting staffers and female members of Congress. New allegations of misconduct have prompted leaders to recommend anti-harassment training, which is not mandatory on Capitol Hill, unlike in the executive branch and much of private industry.

Ryan has also ordered the Committee on House Administration to review policies and training materials aimed at stopping sexual harassment. The panel will hold a hearing on the issue on Nov. 14.

"Our goal must be a culture where everyone who works in our offices feels safe and able to fulfill their duties," he wrote to colleagues.

This latest discussion of sexual harassment in the political arena was triggered last month by public accusations of misconduct against movie producer Harvey Weinstein. Since then, reports in The Washington Post and other news outlets have revealed a workplace culture on Capitol Hill that continues to tolerate harassment, despite an increase in the power and visibility of female lawmakers and staff since 1995.

A push to mandate anti-harassment training gained momentum this week after an endorsement from Sen. Charles E. Grassley (R-Iowa), the author of the 1995 law that introduced workplace protections on Capitol Hill. The debate will likely widen next week after Sen. Kirsten Gillibrand (D-N.Y.) releases the details of a bill to tighten those protections and change the process for reporting violations.

"Congress should never be above the law or play by their own set of rules," Gillibrand said Friday in a statement about the legislation.

"The current process has little accountability and even less sensitivity to victims of sexual harassment. ... We must ensure that this institution handles complaints to create an environment where staffers can come forward if something happens to them without having to fear that it will ruin their careers," she said.

**Ryan urges lawmakers to undergo training on sexual harassment**
**BY CRISTINA MARCOS - 11/03/17 02:08 PM EDT 145**
**The Hill**
**http://thehill.com/homenews/house/358661-ryan-urges-lawmakers-to-undergo-sexual-harassment-training**
Speaker Paul Ryan (R-Wis.) urged House members on Friday to undergo sexual harassment awareness training and mandate it for their staffs, amid calls for the training to be required for congressional offices.

In a "Dear Colleague" letter to fellow lawmakers, Ryan said he has "heard from members with real concerns about the House's policies."

"Each of us has a responsibility to ensure a workplace that is free from discrimination, harassment and retaliation," Ryan wrote. "To that end, I strongly encourage you to complete sexual harassment training and to mandate the training for your staff. We can and should lead by example."

The House Administration Committee announced later Friday that it will hold a hearing on Nov. 14 to discuss sexual harassment prevention policies.

"We need to make certain that the House provides the needed sexual harassment awareness training, as well as policies that support a person's rights to report when they have been victimized," Chairman Gregg Harper (R-Miss.) said in a statement.

Congressional office staff are not currently required to undergo sexual harassment awareness training, unlike executive branch employees. Some lawmakers voluntarily require it for their offices, like Rep. Brenda Lawrence (D-Mich.), who introduced a bill last week to make the training mandatory.

The Office of Compliance, Office of the House Chief Administrative Officer and the Office of the House Employment Counsel each offer optional sexual harassment training for lawmakers and staff.

The House Administration Committee is conducting a review of current policies for sexual harassment prevention on Capitol Hill.

Ryan, through a spokeswoman, had previously expressed support for the committee's review.

The Speaker's direct appeal to lawmakers came hours after current and former female House members told The Associated Press that they had been sexually harassed by male colleagues.

The female lawmakers said the incidents occurred years ago, generally when they were new to Congress. None would identify the perpetrators by name, but said at least two of the men are still serving in Congress.

Rep. Linda Sánchez (D-Calif.), who is now a member of House Democratic leadership, told the AP that she was propositioned by a married male member. Another male colleague, she said, repeatedly ogled her and touched her inappropriately on the House floor.

"The problem is, as a member there's no [human resources] department you can go to, there's nobody you can turn to. Ultimately, they're employed by their constituents," Sánchez told the AP.

Rep. Jackie Speier (D-Calif.), last week, posted a video in which she shared her experience of sexual harassment while working as a congressional staffer, when a chief of staff forcibly kissed her.

"Congress has been a breeding ground for a hostile work environment for far too long," Speier said.

Speier also introduced a bipartisan bill this week to make sexual harassment training mandatory every year for lawmakers and staff, who would then have to file a certification of completion with the House Ethics Committee.

In addition, Speier plans to unveil another bill next week to overhaul the process available to staff to file harassment complaints. Under the current system, Capitol Hill staffers must take part in months of counseling and mediation with the employing office before they can file a formal complaint with the Office of Compliance.

Lawmakers have shown bipartisan support in the past for making sexual harassment training mandatory for members and staff.

The House adopted an amendment authored by Speier to a spending bill in 2014 that would have set aside $500,000 for mandatory sexual harassment training for congressional offices. It was adopted by voice vote with support from then-chairwoman of the House Administration Committee, former Rep. Candice Miller (R-Mich.).

However, Speier's proposal ultimately did not become law.

Scott Wong contributed. This story was updated at 2:52 p.m.

**Congressional leaders call for sexual harassment training**
**ERICA WERNER and JULIET LINDERMAN**
**Associated Press, November 6, 2017, 3:30 a.m.**
http://www.chicagotribune.com/sns-bc-us--congress-harassment-20171104-story.html
Leading lawmakers are calling for mandatory training and other steps to prevent sexual harassment in Congress as the national spotlight on gender hostility in the workplace falls on Capitol Hill.

The calls from House Speaker Paul Ryan and others follow a series of news reports about women staffers and lawmakers experiencing harassment and sexual advances on the job. The Associated Press reported Friday on the experiences of one current and three former female lawmakers, who said they had fended off unwanted advances, sexual comments and, in one case, physical contact from a male colleague in Congress. The issue was already in the national spotlight because of the sex assault allegations against Hollywood producer Harvey Weinstein and a growing list of boldface names in entertainment and the media.

On Friday, Ryan sent lawmakers a letter urging them to undergo sexual harassment training and make it mandatory for their staffs.

"Any form of harassment has no place in this institution. Each of us has a responsibility to ensure a workplace that is free from discrimination, harassment, and retaliation," wrote Ryan, R-Wis. "We can and should lead by example."

House Democratic leader Nancy Pelosi called for passage of Democratic-sponsored legislation that would require anti-harassment training, enhance anti-retaliation protections for staffers who report harassment, and streamline dispute resolution. The recent focus on the issue has made clear that Congress' tendency to self-police has resulted in lax rules, a patchwork of policies that vary from one office to another, and a complaints clearinghouse lodged in an Office of Compliance that requires a lengthy counseling and mediation period — and that many staffers have not even heard of.

Pelosi said all that needs to change.

"I think we are at a tipping point in our country," the California Democrat told The Associated Press. "For a long time the Congress was a place where every congressional office had its own rules. ... The system needs to be changed."

The House Administration Committee, which oversees the operations of the House, also announced plans to convene a hearing Nov. 14 focused on training, policies and mechanisms in place to guard against and report sexual harassment.

In the Senate, New York Democrat Kirsten Gillibrand, who went public several years ago with accounts of inappropriate comments from male senators, also announced legislation on the issue. Gillibrand's bill would streamline the reporting process within the Office of Compliance, remove the current mediation requirement and give interns the same resources as full-time staff.

"Congress should never be above the law or play by their own set of rules. The current process has little accountability and even less sensitivity to victims of sexual harassment," Gillibrand said.

GOP Rep. Mary Bono told AP she once confronted a male colleague on the floor of the House after he made repeated suggestive comments, including telling her he'd thought about her in the shower. The behavior stopped, but the lawmaker remains in the House, she said.

Rep. Linda Sanchez described being propositioned repeatedly in years past by one lawmaker who still serves, and ogled and groped by a second who's since left the House. Former Rep. Hilda Solis disclosed repeated come-ons from a lawmaker, but declined to go into detail, while former Sen. Barbara Boxer described a years-ago incident at a hearing where a lawmaker made a sexually suggestive comment about her from the dais that the committee chairman seconded.

The female lawmakers declined to identify the men they were talking about, and did not report the incidents, with a couple of them noting it was not clear where they would have lodged such a complaint.

On Friday, additional female lawmakers offered public comments on the situations that can result in an environment that is only 20 percent women and still beholden in some ways to out-of-date traditions.

Rep. Cheri Bustos, D-Ill., said she has asked friends and colleagues in the House whether they knew of any woman who had advanced in their careers without being sexually harassed. "Without exception, they don't know of anybody," Bustos said. "We are all talking about it because it's rampant. It's absolutely rampant."

As to whether she herself had been harassed by any fellow member, Bustos said: "It depends on how you want to define harassment."

"How I've chosen to handle it is I just sort of dismiss it and I don't give it another thought," Bustos said. "I hope what happens out of all of this news coverage is it changes some people's behavior as far as comments they make, or if it's worse than that. I hope something good comes out of it."

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Associated Press writers Kevin Freking and Matthew Daly contributed to this report.

**Paul Ryan pushes sexual harassment training on the Hill**
**By Sunlen Serfaty, CNN**
**Updated 6:51 PM ET, Fri November 3, 2017**
**http://www.cnn.com/2017/11/03/politics/sexual-harassment-congress-ryan-memo/index.html**

Washington (CNN)House Speaker Paul Ryan on Friday called for House members and staff to step up their sexual harassment training in the wake of bombshell allegations of sexual misconduct that have shaken powerful industries, institutions and organizations across the country.

"I strongly encourage you to complete sexual harassment training and to mandate the training for your staff. We can and should lead by example," Ryan said in a letter to members and staff. "Our goal must be a culture where everyone who works in our offices feels safe and able to fulfill their duties."

Currently there is no requirement for sexual harassment training in the House of Representatives, although each individual office may elect to voluntarily have their staff attend training by the Office of Compliance.

Some, like California Democratic Rep. Jackie Speier, say it is time to put new rules in places, charging that Capitol Hill is a "breeding ground" for hostility and misconduct. After coming out for the first time last week with her own allegations of sexual assault, which she claims happened 40 years ago as a young Capitol Hill aide, Speier has proposed legislation which would change the House's policy -- including making sexual assault training mandatory for members and their staff.

Ryan's office did not return a request for comment on whether he would support of Speier's legislation. But AshLee Strong, a spokeswoman for Ryan, says he backs a review by the House administration committee.

"The speaker believes the House Administration Committee is right to review the standing procedures and resources available to staff," Strong said in a statement provided to CNN.
The House administration committee has recently launched a review of current sexual harassment training and policies, and the committee announced Friday that it will hold a hearing on the topic November 14.

"We need to make certain that the House provides the needed sexual harassment awareness training, as well as policies that support a person's rights to report when they have been victimized," Chairman Gregg Harper said in a statement Friday.

Democratic Sen. Kirsten Gillibrand announced Friday that she is introducing legislation to combat sexual harassment in Congress, which would overhaul the current process staffers take to report sexual harassment.

The legislation would mandate annual sexual harassment training for members and staff, require a "climate survey" to assess the scope of the problem in Congress, give interns access to the same resources as full-time staff, and drop the requirement that victims go through mediation before filing a complaint.

"Congress should never be above the law or play by their own set of rules," Gillibrand said in a statement. "We must ensure that this institution handles complaints to create an environment where staffers can come forward if something happens to them without having to fear that it will ruin their careers."
CNN's Daniella Diaz contributed to this report.

**The problem with Paul Ryan's call for sexual harassment training for members of Congress - The people who can do something to address sexual harassment won't do it.**
**KIRA LERNER**
**NOV 5, 2017, 3:11 PM**
**ThinkProgress**
**https://thinkprogress.org/paul-ryan-harassment-training-8e88a6990021/**

This week, female members of Congress came forward with accounts of sexual harassment during their time working in the U.S. Capitol. Four current and former lawmakers spoke with the AP about enduring suggestive comments and harassment from their male coworkers.

The report comes as a growing number of women accuse prominent men in Hollywood, the media, and business of harassment since reporting about Harvey Weinstein opened the flood gates for accounts of sexual harassment and assault. More than two decades after Sen. Bob Packwood (R-OR) was forced to resign from Congress after an array of women came forward with stories of sexual harassment and assault, the women's accounts this week detail how little has changed.

Leading lawmakers in the House, where much of the harassment of female lawmakers allegedly occurred, responded quickly, saying they would take the accusations seriously. On Face the Nation Sunday, House Majority Leader Kevin McCarthy (R-CA) said the Committee on House administration will be holding hearings on the issue within the chamber. In a memo to lawmakers, Speaker Paul Ryan (R-WI) encouraged his colleagues to complete sexual harassment trainings and make the sessions mandatory for their staffs.

"Harassment has no place in this institution," he wrote, according to the AP. "We can and should lead by example."

Members of Congress and their staffs can and should complete sexual harassment trainings, and Ryan should see to it that all employees in the U.S. Capitol know the law when it comes to harassment in the workplace. But if he really wants to lead by example, Ryan should use his position in Congress to advocate for changing laws that force women to work within a system where they are denied equal pay, set back for starting a family, and often retaliated against for raising accusations against their male colleagues.

As ThinkProgress' Casey Quinlan recently wrote, "sexual harassment trainings have become a legal precaution more than anything, and the data shows that they are not effective at lowering incidents of harassment." While these trainings may make people more aware of harassment when it is occurring around them, they are not going to stop people from abusing their positions of power or change their views on how women should be treated in the workplace.

Researchers have found that in order to prevent harassment in workplaces, employers need to work towards gender balance at every level of their organization.

Not only does the U.S. Congress not have gender equality — just over 19 percent of the House and 21 percent of the Senate are women — but that inequity leads to policies that prevent gender balance in private workplaces across the country.

The majority-male Congress routinely votes against legislation that would help women achieve equality, and therefore reduce harassment, in workplaces. In 2014, the Senate GOP rejected a an equal pay bill to narrow the gender wage gap. Male Republican lawmakers called it "redundant," despite the fact that women still earn around 80 cents to a man's dollar.

In 2013, 138 Republican representatives and 22 Republican senators voted against reauthorizing the Violence Against Women Act, which provides funding toward the investigation of violent crimes against women. The law, originally signed by Bill Clinton, also funds services for victims like rape crisis centers and hotlines.

The male-dominated Congress has also blocked attempts to more overtly prevent sexual harassment and assault. In 2014, 45 Senators — 34 of them Republicans — used a filibuster to block a proposal that would have taken military sexual assault cases outside of the hands of military commanders, a move that Democratic Sen. Kirsten Gillibrand (D-NY) said was necessary because women in the military often fear reporting sexual assault because of fear of retaliation.

If Congress really cared about leading by example when it comes to sexual assault, lawmakers could proactively pass legislation that would help protect women who come forward to report perpetrators. At the least, Congress could pass a law banning employers from using forced arbitration clauses or non-disclosure agreements, like President Obama did for federal contractors in 2014.

According to Bryce Covert in the New Republic, these clauses force employees to bring allegations of harassment in a private arbitration process "where the person making the decision is often handpicked by the employer." Workers are far less likely to win in arbitration than they are in court. The private nature of arbitration also allows companies to get away with keeping victims silent.

"An employer can rest assured that there will be no headlines and therefore no public pressure to make any changes, while a perpetrator knows that future victims won't be forewarned about his record of behavior," she wrote.

The federal government doesn't bear all of the responsibility, however, when it comes to changing workplaces to make them more equal for women and less tolerant of harassment. State governments can, and have, played an important role.

At the same time, there is still much work to be done. This week, lawmakers on the state level became the subjects of the same kind of harassment allegations leveled at their counterparts in Congress. In Florida, six woman came forward against the state Senate's budget chairman Jack Latvala (R), who is also running for governor. They claim that Latvala inappropriately touched them without their consent and made demeaning comments about their bodies, according to Politico. In Kentucky, Gov. Matt Bevin (R) called for the "immediate resignation" of the Republican House speaker who reportedly settled a sexual harassment case outside of court with a member of his staff.

Lawmakers in blue states, including California, Illinois, and Massachusetts have also been accused. According to Politico, in Illinois, "hundreds of women signed onto an open letter charging a pervasive predatory culture in the state capitol, prompting a public hearing that exposed a grossly neglected, nearly nonexistent reporting system." Politico reports that a high-

ranking Illinois lawmaker has been stripped of his leadership post, an ethics commission will meet tomorrow, and a mandatory training will likely become legally required.

**Female lawmakers allege harassment by colleagues in House**
**By ERICA WERNER and JULIET LINDERMAN**
**Associates Press**
**https://apnews.com/ca32653c458c4a3e9ef07d31700c14e6**

WASHINGTON (AP) — For years, Republican Rep. Mary Bono endured the increasingly suggestive comments from a fellow lawmaker in the House. But when the congressman approached her on the House floor and told her he'd been thinking about her in the shower, she'd had enough.

She confronted the man, who she said still serves in Congress, telling him his comments were demeaning and wrong. And he backed off.

Bono, who served 15 years before being defeated in 2012, is not alone.

As reports flow almost daily of harassment or worse by men in entertainment, business and the media, one current and three former female lawmakers tell The Associated Press that they, too, have been harassed or subjected to hostile sexual comments — by fellow members of Congress.

The incidents occurred years or even decades ago, usually when the women were young newcomers to Congress. They range from isolated comments at one hearing, to repeated unwanted come-ons, to lewd remarks and even groping on the House floor. Coming amid an intensifying national focus on sexual harassment and gender hostility in the workplace, the revelations underscore that no woman is immune, even at the highest reaches of government.

"This is about power," said former California Sen. Barbara Boxer, after describing an incident at a hearing in the 1980s where a male colleague made a sexually suggestive comment. The colleague, using the traditional congressional parlance, said he wanted to "associate" himself with her remarks — adding afterward that he also wanted to "associate with the gentle lady."

Boxer said the comment was met with general laughter and an approving second from the committee chairman. She said she later asked that it be removed from the record.

"That was an example of the way I think we were thought of, a lot of us. ... It's hostile and embarrasses, and therefore could take away a person's power," she said.

Boxer and the other female lawmakers spoke on the record to tell their stories in the wake of revelations about Hollywood producer Harvey Weinstein's serial attacks on women, as well as disclosures from current and former Capitol Hill staffers about harassment by lawmakers and aides. Those accounts, published in The Washington Post and elsewhere, revealed that Congress has few training or reporting requirements in place to deal with sexual harassment.

Largely untold before now is that some female lawmakers themselves say they have been harassed by male colleagues. While rare, the accounts raise troubling questions about the boys' club environment in Congress where male lawmakers can feel empowered to target not only staffers but even their own peers.

The lawmakers declined to identify the perpetrators by name, but at least two of the men continue to serve in the House. None of the female lawmakers interviewed reported what happened, and some noted it was not clear where they would lodge such a complaint. At least three of the four told friends or aides about the incidents, which in some cases were witnessed by other lawmakers.

"When I was a very new member of Congress in my early 30s, there was a more senior member who outright propositioned me, who was married, and despite trying to laugh it off and brush it aside it, would repeat. And I would avoid that member," said Rep. Linda Sanchez, D-Calif. She added that she would warn other new female members about the lawmaker in question, but she declined to identify him, while saying he remains in Congress.

"I just don't think it would be helpful" to call the lawmaker out by name, Sanchez said. "The problem is, as a member there's no HR department you can go to, there's nobody you can turn to. Ultimately they're employed by their constituents."

Sanchez also said that a different male colleague repeatedly ogled her, and at one point touched her inappropriately on the House floor, while trying to make it appear accidental. She declined to identify the lawmaker but said he was no longer in Congress.

Bono said she ultimately confronted her colleague on the House floor after he'd made repeated harassing comments.

Bono, who arrived in the House at age 36 to replace her husband Sonny Bono after he died in a skiing accident, said it seemed like the lawmaker didn't know how to talk to a woman as an equal. "Instead of being 'how's the weather, how's your career, how's your bill,' it was 'I thought about you while I was in the shower.' So it was a matter of saying to him 'That's not cool, that's just not cool.'"

Bono declined to identify the lawmaker, saying the behavior stopped after she finally challenged him. He still serves in Congress, she said.

"It is a man's world, it's still a man's world," Bono said. "Not being a flirt and not being a bitch. That was my rule, to try to walk that fine line."

Former Rep. Hilda Solis, now a Los Angeles County supervisor, recalls repeated unwanted harassing overtures from one lawmaker, though she declined to name him or go into detail.

"I don't think I'm the only one. What I tried to do was ignore it, turn away, walk away. Obviously it's offensive. Are you supposed to be flattered? No, we're adults. Not appropriate," said Solis, who left Congress in 2009 to join the Obama administration as labor secretary.

"It's humiliating, even though they may have thought they were being cute. No, it's not. It's not appropriate. I'm your colleague, but he doesn't see me that way, and that's a problem," Solis said.

The experiences occurred against the backdrop of broader gender inequities in Congress, where women remain a distinct minority, making up only about 20 percent of members in the House and Senate. That's up from fewer than 10 percent in the quarter-century since politics' Year of the Woman in 1992. That election season, large numbers of women sought office following hearings by the then-all-male Senate Judiciary Committee over Anita Hill's testimony about alleged sexual harassment by Clarence Thomas, who was subsequently confirmed to the Supreme Court, albeit by a narrow margin.

The increase in numbers and the prominence of a few individual women, such as House Democratic Leader Nancy Pelosi, has not resulted in parity in all measures, nor eliminated the potential for male members to demean or even harass their female counterparts. Nonetheless, a few former female lawmakers contacted by The AP expressed surprise and even disbelief at the notion that lawmakers themselves could be victims of harassment.

Rep. Jackie Speier of California has recently gone public with an account of being sexually assaulted by a male chief of staff while she was a congressional staffer. She has criticized the vague rules in place on the issue and is preparing legislation to mandate sexual harassment training for congressional offices, among other changes. In a video posted to Twitter last week, she called Congress "a breeding ground for a hostile work environment" and encouraged others to come forward.

Yet when it comes to lawmakers themselves, Speier said: "I think the women in Congress are big girls. The equalizer that exists in Congress that doesn't exist in other settings is that we all get paid the same amount and we all have a vote, the same vote. So if you have members that are demeaning you it's because you're letting them."

Former Rep. Ellen Tauscher of California flatly argued that harassment can't take place between members of Congress. "Female members and male members are equals, they don't sexually harass each other," Tauscher said.

In fact, the law specifies that harassment can occur between equals, said Jennifer Drobac, a professor at the Indiana University Robert H. McKinney School of Law, who teaches a course in sexual harassment law.

"Formally, two members of Congress may have the same status. That doesn't change the fact that sexual harassment can occur between peers," Drobac said, noting that numerous other factors can come into play, including the difference in age and length of service between the members, and the mere fact that men have more power in society than women.

Indeed the harassment or hostile incidents experienced by current and former lawmakers occurred when they were young newcomers to Congress, with less seniority than the men who targeted them. Yet the fact that some dispute whether harassment could even occur between

members of Congress underscores the complexity of the issue and the fraught questions surrounding it.

Bono said she found power in confronting her harasser, and that after she did so it never happened again. She emphasized that she understood her experience was different than those of young staffers who may face harassment from someone they rely on for a job, and that she was fortunate because as an equal elected by her constituents, she would not fear retaliation.

But Bono strongly disputed any suggestion that she or any other female lawmaker could not be harassed by their peers.
"My career didn't suffer, I didn't suffer," Bono said. "But it did happen."

**Congress: Stop Protecting Sexual Harassers**
**Hollywood's got nothing on the House and Senate.**
***By***
***The Editors***
***Bloomberg News***
**November 1, 2017, 10:00 AM EDT**

https://www.bloomberg.com/view/articles/2017-11-01/congress-stop-protecting-sexual-harassers

Congress has a rich history of exempting itself from rules it imposes on everyone else. Insider trading? Doesn't apply. Whistleblower protections? Not in Congress! Workplace safety rights? Less is more. The Freedom of Information Act? Surely you jest.
The most egregious example of this "Do as we say, not as we do" approach may concern sexual harassment. This week, as the fallout from the Harvey Weinstein scandal continues, the House Administration Committee announced that it would review the body's embarrassingly backward harassment policies. It's about time.

The 1995 Congressional Accountability Act applied most labor and civil rights laws to Congress. But instead of subjecting itself to the Equal Employment Opportunity Commission, which enforces those laws, Congress created a weaker oversight body, the Office of Compliance -- and exempted itself from basic safeguards against violations that are all too common.

As a result, employees of federal agencies -- but not members of Congress -- are required to take training on sexual harassment. Agencies -- but not Congress -- must post information about where to report workplace violations. And while most federal workers find it relatively easy to file a complaint, congressional staff members face a convoluted process designed to protect offenders.
Legislative employees who wish to report sexual harassment must "request counseling" from the Office of Compliance, even though its board of directors is appointed by members of Congress, an inherent conflict of interest. After a 30-day counseling period, employees must file "a request for mediation," which is led by an outside official. Only after this 30-day mediation process may employees request an administrative hearing or file suit.

Although mediation can be a useful process, it can also deepen the pain and subject accusers to pressure from the accused, who can use mediation -- which is confidential -- to try to talk them out of pursuing their case. If a victim goes public before the conclusion of the counseling and mediation process, he or she is subject to sanctions.

This system was unenlightened, to put it mildly, when it was instituted in 1995. But in 2017, and in view of the widely reported experience of Hill staff members, it should be seen for what it is: an enabling mechanism. Federal employees who work on Capitol Hill should have no fewer protections than other federal employees.

House Speaker Paul Ryan has welcomed the administration committee's review. But the public should demand swift action and accountability. Mandating training would be a good start, as one representative (and former staff member) has proposed. Even better would be scrapping its separate and unequal adjudicatory process altogether. Congress should abide by the same laws and standards it places upon federal agencies, private businesses and the general public.

**Push for anti-harassment training on Capitol Hill gains momentum**
**By Elise Viebeck and Michelle Ye Hee Lee November 1**
**Washington Post**
https://www.washingtonpost.com/powerpost/signs-of-momentum-for-mandatory-anti-harassment-training-on-capitol-hill/2017/11/01/55226b88-bf23-11e7-8444-a0d4f04b89eb_story.html?utm_term=.b33843c2fdc9
A push to make anti-sexual-harassment training mandatory on Capitol Hill gathered momentum this week after Senate Judiciary Committee Chairman Charles E. Grassley (R-Iowa) urged colleagues to apply the policy to all employees of the upper chamber.

"I am convinced that sexual harassment training is vitally important to maintaining a respectful and productive working environment in Congress," Grassley wrote to the leaders of the Senate Rules Committee in a letter Tuesday.

"Therefore, I respectfully request that the Committee on Rules and Administration consider the immediate implementation of a policy requiring all new Senate employees . . . as well as all current employees who have not yet received it" to undergo "online or in-person sexual harassment training," he wrote.

Grassley's endorsement could accelerate a change in policy on Capitol Hill, where new stories of sexual harassment have emerged following a rash of allegations of abuse and misbehavior by movie producer Harvey Weinstein. The Iowa Republican wrote the 1995 law creating some workplace protections for congressional employees, but anti-harassment training is still voluntary, unlike in most federal agencies, as The Post recently reported.

His letter, which did not mention mandatory training for lawmakers, was first reported by Politico.

"Senator Klobuchar and I are working closely with our colleagues to address the issue in the most effective manner," Senate Rules Committee Chairman Richard C. Shelby (R-Ala.) said in a statement. Sen. Amy Klobuchar (D-Minn.) is the panel's ranking Democrat.

New bills in the House are triggering the same debate, though their details vary.

Rep. Jackie Speier (D-Calif.) plans to introduce bipartisan legislation Thursday requiring lawmakers and staff to undergo annual mandatory anti-harassment training. Speier, a longtime advocate for mandatory training, joined the "me too" social media campaign on Friday by describing her experience with unwanted sexual advances as a congressional staffer in the 1970s.

"Many of us in Congress know what it's like, because Congress has been a breeding ground for a hostile work environment for far too long," Speier said in a video released by her office.

A separate bill from Rep. Brenda Lawrence (D-Mich.) would require Hill employees to receive training every other year. Introduced last week, it had 51 co-sponsors as of midday Wednesday, including one Republican, Rep. Bruce Poliquin (Maine).

House Minority Leader Nancy Pelosi (D-Calif.) supports efforts to require anti-harassment training. Speaker Paul D. Ryan (R-Wis.) has said systems can always be improved but has not specifically endorsed mandatory training.

"The speaker believes the House Administration Committee is right to review the standing procedures and resources available to staff," press secretary AshLee Strong wrote Wednesday in an email to The Post.

Speier is also preparing legislation to overhaul the process for resolving workplace disputes on Capitol Hill and to implement a survey to measure the scope of sexual harassment.

The process for reporting harassment has drawn scrutiny in recent weeks.

Under the current rules, congressional employees must undergo months of counseling and mediation through the Office of Compliance before filing a lawsuit against their harassers. Settlements are paid out of a special U.S. Treasury account.

In the executive branch, mediation is an option but not required for employees who want to pursue legal claims, and settlements come out of agency budgets.

Del. Eleanor Holmes Norton (D-D. C.) called attention Tuesday to the ways Congress has exempted itself from workplace rules that apply to the rest of the government. She proposed legislation that would end this disparity.

"It is impossible to justify exempting congressional offices from the comprehensive provisions Congress now requires of private employers and federal agencies, especially sexual harassment laws that protect workers, such as requiring employers to post workers' rights or to conduct training," Norton said in a statement.

**House panel reviewing sexual harassment policies**
**BY CRISTINA MARCOS - 10/30/17 06:13 PM EDT**
**The Hill**
**http://thehill.com/homenews/house/357903-house-panel-reviewing-sexual-harassment-policies**

The House Administration Committee, which oversees the chamber's daily operations, is conducting a review of sexual harassment awareness training amid calls to make it a requirement on Capitol Hill.

Congressional offices are currently not required to undergo sexual harassment training, unlike in the executive branch where it's mandatory for employees.

Two female lawmakers, Reps. Brenda Lawrence (D-Mich.) and Jackie Speier (D-Calif.), are introducing bills to make such training required for members and staff.

A spokeswoman for the House Administration Committee said on Monday the panel is reviewing possible changes to the current policy.

"The Committee is conducting a review of sexual harassment awareness training for the House. This is an important issue and the House of Representatives is committed to preventing any form of harassment. There are resources available to both Members and staff which promote a safe and productive work environment, whether the individual is a new employee or has been working on Capitol Hill for years," the spokeswoman said.

The committee spokeswoman pointed to available sexual harassment awareness trainings, both online and in-person, available from the Office of Compliance, the Office of House Employment Counsel and the Office of the House Chief Administrative Officer.

"We are currently evaluating what additional resources might be made available and any other ways in which the House might assist our Members and their staff," the spokeswoman said.

Speaker Paul Ryan (R-Wis.), through a spokeswoman, expressed support for the committee's review.

"The speaker believes the House Administration Committee is right to review the standing procedures and resources available to staff," Ryan spokeswoman AshLee Strong said.

The spotlight on sexual harassment policies in Congress comes after Hollywood film mogul Harvey Weinstein and other prominent media figures have been accused of aggressive sexual behavior toward women.

Lawrence introduced her bill last week, and it currently has 38 cosponsors. So far, that includes one Republican: Rep. Bruce Poliquin (R-Maine).

Lawrence, who previously served as an equal opportunity investigator and training manager at the U.S. Postal Service, said having a policy of mandatory sexual harassment training in Congress would help set a tone for zero tolerance.

She already requires such training for her office.

"This a first step," Lawrence told The Hill. "How could anyone say that we should not train and set a tone on our own staffs in the Capitol that we're expecting for other federal employees?" Speier, meanwhile, is also planning legislation to overhaul the process available to Capitol Hill staff to report harassment.

Currently, staffers must take part in months of counseling and mediation with their employing office before filing a formal complaint with the Office of Compliance.
A complaint filed with the Office of Compliance then leads to a hearing, which is conducted by a contracted officer. If a settlement is reached, the money comes from a separate fund handled by the Treasury Department. Settlement funds do not come directly from a lawmaker's office budget.

Speier thinks the process should be reformed to encourage victims to come forward, possibly by limiting the time frames in each step of the process so they won't be intimidated by a lengthy process. Her office said that she plans to unveil the bill as soon as this week.
On Friday, Speier released a video in which she shared her own experience of sexual harassment while working as a congressional staffer.

"Congress has been a breeding ground for a hostile work environment for far too long," Speier said. "There is nothing to fear in telling the truth, and it's time to throw back the curtain on repulsive behavior that until now, has thrived in the dark without consequences."
Speier previously introduced legislation in 2014 to make sexual harassment training mandatory for congressional offices.

That same year, the House adopted an amendment authored by Speier to set aside $500,000 for mandatory sexual harassment training for offices. It sailed through by voice vote at the time, but was not ultimately enacted into law.

Former Rep. Candice Miller (R-Mich.), the House Administration Committee chairwoman at the time who has since retired from Congress, expressed support for Speier's proposal.
"Every employee that works on this Hill needs to work in an environment that they feel is free from sexual harassment," Miller said at the time. "I think that Congress needs to be a leader on this issue."

**House committee reviewing harassment policy**
**Some staffers say Congress does little to address the problem, if they even know about the Office of Compliance at all.**
**By RACHAEL BADE**
**10/30/2017 05:14 PM EDT**
**Politico**
https://www.politico.com/story/2017/10/30/house-committee-harassment-policy-244330
The House Administration Committee is reviewing whether Congress should do more to prevent harassment in Capitol Hill offices following two POLITICO reports raising questions whether Congress fails to adequately police such misconduct.

The panel, which oversees employment and office logistical matters for the House, will determine whether internal policy changes are needed to curb sexual harassment or ease hostile work environments — and ensure that staff have a mechanism to report abusive behavior.

"The Committee is conducting a review of sexual harassment awareness training for the House," spokeswoman Erin McCracken said in a statement. "We are currently evaluating what additional resources might be made available and any other ways in which the House might assist our members and their staff."
McCracken called the matter a "serious issue" and said the House is "committed to preventing any form of harassment."

Speaker Paul Ryan's office welcomed the review.
"The speaker believes the House Administration Committee is right to review the standing procedures and resources available to staff," AshLee Strong, a spokeswoman for Ryan (R-Wis.), said in a statement.
The news comes after POLITICO reported on pervasive inappropriate behavior in the office of former Rep. Tim Murphy (R-Pa.), and highlighted a convoluted process that assault victims must go go through to file a complaint.

Former staffers for Murphy said he and his chief of staff, Susan Mosychuk, verbally abused young aides for years. When asked why they never filed a complaint, staff said they had nowhere to turn.

In fact, the Office of Compliance, is charged with handling harassment matters for Congress. But some staffers say Congress does little to address the problem, if they even know about the office at all.

POLITICO also reported last week that the office requires victims of abuse — sexual or otherwise — to go through a three-month process before filing a complaint. It includes "counseling," "mediation" and a one-month waiting period that one lawyer referred to as "cooling off" time.

In her statement, McCracken argued that the House Administration Committee has "resources available to both members and staff which promote a safe and productive work environment, whether the individual is a new employee or has been working on Capitol Hill for years." In addition to OOC, the Office of House Employment Counsel and Office of the House Chief Administrative Officer also offer sexual harassment awareness training, she noted.
Congress, however, does not make such training mandatory, as the executive branch does. Rep. Jackie Speier (D-Calif.) has introduced legislation since 2014 to require staffers and lawmakers take sexual harassment training.

**Speier's Bill Could Change How Congress Deals With Harassment**
**Legislation would speed up process for filing an official complaint, require training**
**Posted Oct 27, 2017 9:45 PM**

**Griffin Connolly**
**Roll Call**
**https://www.rollcall.com/news/politics/speier-introduce-harassment-bill**
Rep. Jackie Speier, who revealed Friday she had been sexually assaulted when she was a Capitol Hill staffer, will introduce legislation next week that could transform how the Congressional Office of Compliance treats cases of sexual misconduct, sources told Roll Call Friday.
The bill would speed up the process for lodging an official complaint with the Congressional Office of Compliance (OOC) and require all lawmakers and staffers to complete an annual sexual misconduct training course, the sources said.

Lawmakers and staff would also be required every two years to fill out a mandatory survey regarding their experience with sexually inappropriate behavior.
With her revelation Friday, Speier joined four Democratic senators — Claire McCaskill, Elizabeth Warren, Heidi Heitkamp and Mazie Hirono — who have recently shared stories of being sexually harassed.

"The thinking is it's good for these women lawmakers to share their stories," Speier spokeswoman Tracy Manzer said. "But they're now in positions of power, and staff still suffers. These lawmakers have the opportunity to do something about it now."

Surveys show sexual harassment is prevalent on Capitol Hill, and many who work there think the resources to prevent and report such cases are woefully inadequate, Roll Call reported in January.
Four in 10 of the women who responded to a CQ Roll Call survey of congressional staff last summer said they believed sexual harassment is a problem on the Hill, while one in six said they personally had been victimized.
Under current procedures, congressional employees who want to file a complaint have to wait nearly three months before they can officially do so.

The OOC gives congressional employees up to 180 days after an alleged incident of harassment to request mandatory legal counseling. If they opt to do so, that legal counseling lasts for 30 days. If the victim wants to move forward from there, he or she must next participate in 30 days of mediation, where the employee and the office can confidentially reach a voluntary settlement.

After that two-month process, the employee can request an administrative proceeding before a hearing officer or file a case in federal district court — but only after a 30-day "cooling-off" period after mediation.

To expedite the process for actually lodging an official complaint, Speier's legislation would make the legal counseling and mediation steps optional, one of the aforementioned sources said. That would dramatically reduce the amount of time it takes for employees to file their complaint.

"It's an extremely difficult situation for staffers because you risk your career being killed when you air a complaint like this," Manzer said, noting that the drawn-out OOC process deters

victims from even initiating it. "Even among former staffers who maybe work as lobbyists or consultants, the understanding is [filing a complaint] is the end of your career in politics." Another measure Speier is hoping to include would empower the OOC to investigate cases on its own. The OOC is not currently authorized to subpoena emails and documents to corroborate a complainant's story.

"Right now they can only mediate and look at voluntarily submitted evidence," Speier's office said. "We want to give the process more teeth."

Speier described her own experience in a video she posted on Twitter on Friday.
She said the chief of staff in the office she worked in as a staffer held her face, kissed her, and forcefully stuck his tongue in her mouth.
"Congress has been a breeding ground for a hostile work environment for far too long," Speier said in the video.

Her written post included the #MeToo hashtag that has caught fire in the wake of the scandal around allegations of sexual harassment and assault against Hollywood producer Harvey Weinstein.

"It's time to throw back the curtain on the repulsive behavior that until now has thrived in the dark without consequences," Speier said.
She also encouraged current and former staffers to share their own stories of being sexually harassed with the hashtag #MeTooCongress.
Speier's office has reached out to other lawmakers to gauge interest in co-sponsoring the bill. A source from her staff said Republicans and Democrats from both chambers have expressed enthusiasm for it, but declined to share the names of those lawmakers.

**Capitol Hill's sexual harassment policy 'toothless,' 'a joke'**
**'Congress has been a breeding ground for a hostile work environment for far too long,' says one lawmaker aiming to overhaul its procedures.**
**By RACHAEL BADE and ELANA SCHOR**
**10/27/2017 12:07 AM EDT**
**Politico**
**https://www.politico.com/story/2017/10/27/capitol-hill-sexual-harassment-policies-victims-244224**
Two female lawmakers and several congressional staffers are calling for an overhaul of Capitol Hill's policies on sexual harassment, citing a culture of tolerance in a workplace long known as a boys' club.

The sexual harassment scandals involving major Hollywood and media figures are focusing new attention on Congress' procedures, which critics say are woefully inadequate for deterring bad behavior in an institution filled with powerful men and young aides trying to advance their careers. Each congressional office operates as its own small, tightly controlled fiefdom with its own rules and procedures, which makes it that much harder to come forward.

Lawmakers and congressional aides are not required to undergo sexual harassment training — a shortcoming even the office that handles complaints says should be changed. And victims must submit to as long as three months of mandated "counseling" and "mediation," as well as what one lawyer involved in such cases called a "cooling off period," before filing a complaint against an alleged perpetrator.

That's assuming they're even aware of how to lodge a grievance.
One former staffer who said she was sexually harassed by a colleague years ago told POLITICO she didn't know where to turn at the time. She'd never heard of the Office of Compliance, or OOC, the entity that exists to handle harassment complaints and enforce workplace protection laws for the legislative branch. When she called a congressional committee that deals with administrative issues to inquire about filing a complaint, she said, she was turned away without any guidance.

"I didn't even know it existed as a resource," the ex-staffer said of the compliance office. "You don't have an HR Department on the Hill. There's no one place that you go. Nobody on the Hill has any idea how you report and deal with sexual harassment."

Some officials are trying to change that. Rep. Jackie Speier (D-Calif.) next week will introduce legislation calling for an overhaul of the compliance office, which she said is "constructed to protect the institution — and to impede the victim from getting justice." On Friday, she will release a video recounting her experience years ago as a congressional staffer, when the office's chief of staff "held my face, kissed me and stuck his tongue in my mouth," she said.

"Many of us in Congress know what it's like, because Congress has been a breeding ground for a hostile work environment for far too long," Speier continued. "It's time to throw back the curtain on the repulsive behavior that has thrived in the dark without consequences."
In an interview Thursday, Speier called the OOC "toothless" and "a joke." She said "it encumbers the victim in ways that are indefensible."
"There's no accountability whatsoever," she said. "It's rigged in favor of the institution and the members, and we can't tolerate that."

The call to overhaul the OOC comes as 40 percent of female congressional staffers say there's a sexual harassment problem on Capitol Hill, according to a July surveyconducted by Roll Call. The survey found that one in six female aides said they'd personally been sexually harassed in their offices, and only 10 percent were aware of structures that existed to report misconduct.
OOC Deputy Executive Director Paula Sumberg defended her office. "Any current staffer who has not heard of the Office of Compliance has somehow missed our emailed Annual Notification of Rights, our quarterly eNewsletters, and information about us on" the House intranet, Sumberg said in an email.

But even the OOC appears to acknowledge flaws in the system. In recent years, it has recommended that Congress make sexual harassment training mandatory. And the OOC recently urged Congress to raise its profile, noting that some training seminars for staffers don't mention the office as a resource for workplace disputes.

Multiple staffers, including some who've worked on Capitol Hill for years, said there is a dearth of information about the OOC. So it's not readily apparent where to turn when a colleague's — or even a boss' — actions become inappropriate.

That was the case for former staffers in former Rep. Tim Murphy's office. Aides who called POLITICO to detail a hostile work environment — slammed doors, cursing, timed bathroom breaks and verbal abuse — said they were either unaware of the OOC or told it was pointless to complain. Others feared retaliation.

Even some lawmakers aren't apparently aware of, or at least inclined to rely on, the OOC.
In 2014, a group of female staffers accused Kenny West, the chief of staff to Rep. Mark Meadows (R-N.C.), of making inappropriate comments toward them. But Meadows turned to his friend, Rep. Trey Gowdy (R-S.C.), for help. Meadows asked Gowdy's chief of staff, a woman, to interview his aides to determine whether West had acted inappropriately, according to an Office of Congressional Ethics report.

Gowdy's staffer recommended Meadows fire the staffer, though Meadows kept him on payroll for months after that, the report said.
A similar situation played out in the office of Rep. Eric Massa (D-N.Y.) in 2010, after he was accused of making unwanted advances toward a junior male staffer. A more senior aide in the office brought the matter to Rep. Steny Hoyer's office, which instructed the aide to report the matter to the Ethics Committee.

A House Administration Committee spokesman said Thursday that harassment on the Hill is "a serious issue" and that the panel is "currently evaluating what additional resources might be made available" to further help lawmakers and aides. She also argued that the Office of House Employment Counsel provides training, including sexual harassment awareness training, as does the Office of the House Chief Administrative Officer.
President Donald Trump's former campaign manager, Kellyanne Conway, painted a harsh picture of the reality facing women on Capitol Hill after a video emerged last year of Trump bragging about his sexual advances on women.

"I would talk to some of the members of Congress there when I was younger and prettier, them rubbing against girls, sticking their tongues down women's throats who were uninvited, didn't like it," Conway told MSNBC in October 2016.
The comment was meant to defend Trump from lawmakers aghast by the "Access Hollywood" video. Conway's spokesperson did not respond to a request for comment on which members she was talking about.

Speier and Rep. Brenda Lawrence (D-Mich.) are looking to pre-empt such situations with legislation that would mandate sexual harassment training for every congressional office. Executive branch employees must undergo such training, but it is optional for congressional workers.

Speier has introduced her bill every year since 2014, to no avail. One year, she came close to getting it passed when House appropriators agreed to tuck her bill into an appropriations measure — only to see it stripped from a Senate spending package.
Lawrence, who used to investigate harassment issues for the federal government, said she always checked whether training had been provided. "This is a first step, and I know this is one that can make a difference," she said.

When Speier introduces her bill again this year, the legislation will go beyond sexual harassment training and seek to overhaul the lengthy process Hill victims must go through before filing a complaint.

As it stands now, after an incident but before filing a complaint, victims are required to go through 30 days of "counseling" with an OOC employee. Following that process, they have 15 days to decide whether they want to pursue the next step: 30 days of mandated "mediation." After mediation, victims must wait another 30 days to file a complaint. The OOC allows anyone filing a complaint to ask to shorten the counseling period and doesn't require them to be in the same room as the accused during mediation, but Speier put little stock in those measures.

"Can you imagine a victim who's been sexually harassed who attempts to file a complaint and then is told they've got to go through three months of biting their tongue and continuing to work in that kind of environment?" she asked. "You've just been sexually harassed and you're told you have to be 'counseled' for 30 days. Are you kidding me?"

Les Alderman, an attorney who has represented multiple congressional employees in harassment and discrimination cases, said that OOC officials "do their best to do exactly what the law says they should." But he warned that the law that created the office "has major downfalls."

For one, Alderman said, the 30-day counseling period a harassment victim must undergo before pursuing a complaint is confidential.
Alexis Ronickher, an employment rights lawyer at Katz, Marshall & Banks who's worked with sexual harassment victims in congressional offices, said that means victims can be sanctioned and their cases jeopardized if they say publicly that they're filing a complaint against a lawmaker or fellow staffer.

"It's the strap of silence in my opinion that helps foster a broken system. The fact that you can't tell anyone that you filed a request for counseling or that you're in mediation, that everything that goes on there has to be confidential," she said. "It creates an environment in which people don't talk about what's happening and women who are being sexually harassed can't come together and say, 'I'm coming forward; you should come forward.'"

Ronickher said it's not the Office of Compliance's fault as much as the 1995 Congressional Accountability Act, which governs how the office operates and the rules governing complaints. The GOP-controlled Congress created the OOC in 1995 amid the scandal involving then-Sen. Bob Packwood's rampant sexual harassment. Ten women told The Washington Post about the Oregon Republican's lewd behavior. The furor grew as Senate Republicans — including then-

Ethics Committee chairman and now-Majority Leader Mitch McConnell (R-Ky.) — resisted holding hearings.
Former Nevada Sen. Richard Bryan, then the ethics panel's top Democrat, recalled a "drumbeat of complaints" that eventually forced committee Republicans to join his call to act against Packwood.

"This wasn't just one woman ... there was a pattern," Bryan said in an interview.
OOC fielded 49 requests for counseling during fiscal 2016, according to its most recent annual report, including six in the House and two in the Senate. Of those requests, 15 dealt with harassment or a hostile work environment.

Despite the waiting periods, Sumberg said the OOC's process for dispute resolution is faster than that of other federal agencies. The Equal Employment Opportunity Commission, which polices harassment cases for those agencies, can take as long as 180 days to act on a discrimination charge, according to its website.
"We probably have the fastest administrative process for bringing a sexual harassment complaint in the entire federal government," Sumberg said by email.

Alderman, the attorney who works with harassment and discrimination victims, noted another key difference between the OOC's process and the EEOC's work in other federal agencies. After an accuser has successfully navigated the system and won a complaint, the EEOC requires the posting of information about the perpetrators of discriminatory behavior, so that "hopefully public notice and shame occurs."
No such publicizing of a perpetrator's past record is required in Congress. It's a system, Alderman said, that "helps repeat offenders keep on repeating."

**How Congress plays by different rules on sexual harassment and misconduct**
**By Michelle Ye Hee Lee and Elise Viebeck October 27**
**Washington Post**
**https://www.washingtonpost.com/politics/how-congress-plays-by-different-rules-on-sexual-harassment-and-misconduct/2017/10/26/2b9a8412-b80c-11e7-9e58-e6288544af98_story.html?utm_term=.7a1a21065de9**
Briony Whitehouse was a 19-year-old intern in 2003 when she boarded an elevator in the Russell Senate Office Building with a Republican senator who, she said, groped her until the doors reopened.
She never reported the incident to her bosses for fear of jeopardizing her career. But she recently tweeted about her experience on Twitter as part of the #MeToo campaign, a social-media phenomenon that has aired thousands of complaints about sexual harassment.
Some of the accounts have called out by name Hollywood moguls, media stars, even a former U.S. president. Other women such as Whitehouse have stopped short of naming harassers.
Whitehouse in an interview last week with The Washington Post declined to name the politician who made unwanted advances, convinced that he would retaliate.

"At the time, I didn't know what to do, so I did nothing at all," said Whitehouse, who works overseas as a political consultant. "Because this happened so early on for me, I just assumed this was the way things worked and that I'd have to accept it."

If Whitehouse had chosen to pursue a complaint against the senator, she would have discovered a process unlike other parts of the federal government or much of the private sector. Her complaint likely would have been thrown out because interns have limited harassment protections under the unique employment law that Congress applies to itself.

Congress makes its own rules about the handling of sexual complaints against members and staff, passing laws exempting it from practices that apply to other employers.
The result is a culture in which some lawmakers suspect harassment is rampant. Yet victims are unlikely to come forward, according to attorneys who represent them.

Under a law in place since 1995, accusers may file lawsuits only if they first agree to go through months of counseling and mediation. A special congressional office is charged with trying to resolve the cases out of court.
When settlements do occur, members do not pay them from their own office funds, a requirement in other federal agencies. Instead, the confidential payments come out of a special U.S. Treasury fund.

Congressional employees have received small settlements, compared with the amounts some public figures pay out. Between 1997 and 2014, the U.S. Treasury has paid $15.2 million in 235 awards and settlements for Capitol Hill workplace violations, according to the congressional Office of Compliance. The statistics do not break down the exact nature of the violations.
Like Hollywood, where allegations against movie producer Harvey Weinstein touched off the recent #MeToo campaign, the Capitol Hill environment is dominated by powerful men who can make or break careers. Congress has resisted efforts that could improve the culture such as making anti-harassment training mandatory in their offices.

"It is not a victim-friendly process. It is an institution-protection process," said Rep. Jackie Speier (D-Calif.), who has unsuccessfully pushed to overhaul how harassment cases are handled. "I think we would find that sexual harassment is rampant in the institution. But no one wants to know, because they'd have to do something about it."

**Troubling stories**
Whitehouse was among thousands of women who shared stories of sexual harassment and assault online after the Weinstein allegations grabbed global attention.
Ally Coll Steele, a Washington lawyer, shared her story about a former Democratic senator grabbing her buttocks at the Democratic National Convention in 2004. She was an 18-year-old intern, and the senator's wife and staff were standing nearby.
"I was in the position of having no choice but reacting in a way that was going to make a big deal out of it in front his staff or his wife, or acting like nothing was happening. I chose the latter," Steele said.

People she told about the incident said they were sorry it happened but not surprised, she recalled. Her colleagues had described the former senator as "handsy."
One former Senate staffer, speaking on condition of anonymity out of fear of reprisals, said she was repeatedly groped at work events by a younger and more junior male staff member.
"He would just grab me," she said. "It happened multiple times. The worst part was my other male colleagues would excuse it. He stayed on Capitol Hill for years."

Another former staffer described interning on the Hill at 16 while attending a local high school. The office's legislative director, a married man in his 40s, began paying attention to her in ways that became increasingly uncomfortable: adding her on AOL Instant Messenger, offering her rides home, saying she resembled his college girlfriend, and ultimately suggesting he pick her up from school so they could have lunch.
While the man never touched her or made overtly sexual comments, the former staffer said his attention was inappropriate.
"What 40-something man is taking a 16-year-old woman out to lunch?" she said.

**Power culture**
Capitol Hill has long been known as a demanding workplace for young people, trying to make a mark in an adrenaline-fueled Washington power center. Work duties often require personal interactions with members and high-ranking staffers, and success requires that employees demonstrate personal loyalty, political solidarity and professional rapport with colleagues and superiors.

Making claims of harassment or inappropriate advances come at high risk.
"There is a sense that going forward with an allegation like this would be completely the end of any career working for anybody on the Hill — and it undoubtedly would be," said Debra Katz, an employment attorney in Washington who represents congressional aides in sexual harassment cases.
"We have no doubt that sexual harassment is underreported in Congress, just as all workplace infractions are underreported in Congress," said Brad Fitch, president and chief executive of the Congressional Management Foundation, a nonprofit organization that helps lawmakers and staff learn to run their offices.
When cases do emerge, they can attract years of unwanted attention, another disincentive for reporting, attorneys say.

Sex scandals involving current and former lawmakers have been infrequent but steady. A count by The Post shows at least a dozen members have resigned or chosen not to seek reelection in the last 15 years because of extramarital affairs, inappropriate contact online and other sexual misbehavior.
Rep. Mark Foley (R-Fla.) resigned in 2006 after sending sexually explicit online messages to teenage current and former male House pages. The popular House program was eventually disbanded. At the time, Foley apologized "for the conduct that it was alleged that I did." He did not respond to a request for comment.

Rep. Eric Massa (D-N.Y.) stepped down in 2010 amid allegations that he had groped and tickled male staffers. At the time, Massa said his actions were not sexual. James D. Doyle, Massa's

attorney, said federal investigations have not found the former congressman "committed any wrongdoing whatsoever."
In 2015, Rep. Blake Farenthold (R-Tex,) settled a sexual harassment charge brought by his former communications director Lauren Greene, who said he made inappropriate comments "designed to gauge whether [she] was interested in a sexual relationship," according to her legal complaint. Farenthold denied wrongdoing.

Greene filed the lawsuit after participating in counseling and mediation. Neither she nor Farenthold's office responded to requests for comment.
Cases involving high-ranking congressional staffers get far less notice. Female staffers in the office of Rep. Mark Meadows (R-N.C.) alleged former chief of staff Kenny West behaved inappropriately toward women. One former female staffer interviewed by the Office of Congressional Ethics said West would play with women's hair and try to look down their shirts, according to an interview transcript. West was moved into an advisory position before he left Meadows's office permanently.

West denied inappropriate behavior and said the allegations have hurt him professionally. He said that he is "old-fashioned" and that the situation could best be described as a misunderstanding between him and female aides.
"There was never any sexual harassment and had there been any by anyone, the congressman, Mrs. Meadows, myself and my wife — we would not tolerate it," he said in an interview.

Meadows's office did not respond to a request for comment.
Katz said women who are harassed in congressional jobs contact her every few months to learn about their rights.
"We've worked with a number of women who, after these experiences, stopped working on Capitol Hill," Katz said. "They were done. They felt so betrayed."

**Tangled process**
Victims who do seek action face a confusing process under a law known as the Congressional Accountability Act that was put in place in 1995. Sponsored by Sen. Charles E. Grassley (R-Iowa), it imposed a range of civil rights, labor and worker-safety laws on Capitol Hill for the first time.

A scandal involving Sen. Robert Packwood (R-Ore.) and multiple women accusers led to his 1995 resignation and to debate over which labor protections should apply to Congress. Packwood first denied the allegations but later apologized.
Following the Packwood allegations, a 1993 survey by The Post showed that one-third of female congressional employees responding said they were sexually harassed by members, supervisors, lobbyists or fellow aides.

Grassley's bill established the 20-person Office of Compliance to adjudicate disputes and handle harassment complaints.
The law gives victims 180 days after the offending incident to initiate complaints. Victims must agree to go through counseling, which take typically takes 30 days.

After that, victims who want to continue begin 30 days of mediation, which is handled by a neutral mediator. If the problem is still unresolved, they can pursue an OOC administrative hearing or file a federal lawsuit against their harasser.

The confidential dispute resolution process can be made public only if the case is ruled in the victim's favor, after it goes through administrative or judicial proceedings.
The OOC contends that its process has helped resolve "scores of employee disputes" and benefits all sides.
Some advocates believe the pre-lawsuit mediation requirement undercuts victims. The rule contrasts sharply with the rest of the federal government, where mediation is an option but not mandatory for employees to pursue legal action.

Few staffers seem aware of their rights or the harassment reporting process.
"A lot of people are confused about it. We'll get calls from people who work down on the Hill, and they're not all that clear as to what they should be doing," said Alan Lescht, an employment attorney in Washington who handles harassment cases involving federal and congressional employees.

The only mandatory training for congressional employees is an ethics program put into place after the 2006 Jack Abramoff lobbying scandal and instruction on cybersecurity. The lack of mandatory anti-harassment training places Congress out of step with the majority of the private sector, according to human-resources experts.

The OOC sends newsletters and regular emails urging chiefs of staff to prioritize staff training and describing how to access resources online. While the office oversees tens of thousands of employees, only about 800 people since 2015 have taken its 20-minute online tutorial on preventing sexual harassment.
Some congressional leaders have been questioned about the culture on Capitol Hill amid a national outcry over allegations of serial harassment by Weinstein.

Grassley told The Post this week that if the law is not effectively accomplishing sexual harassment prevention and anti-discriminatory training, "then it should be revisited."
House Minority Leader Nancy Pelosi (D-Calif.) said members need to take responsibility for anti-harassment training in their own offices. A 2014 effort led by Speier to make training mandatory was defeated, but Pelosi told The Post she supports Speier's efforts. On Thursday, Rep. Brenda Lawrence (D-Mich.) introduced a bill to require sexual-harassment training.

Sen. Kirsten Gillibrand (D-N.Y.), who has spoken about her own experience with sexual harassment in Congress, said she supports mandatory sexual harassment training for every member of Congress and their staff.

House Speaker Paul D. Ryan (R-Wis.) recently said that it would be "naive" to suggest sexual harassment doesn't happen on Capitol Hill, and that current systems can always be improved. His office declined to offer more details.

"I do believe that exposing these things can help improve the culture," Ryan said in an interview on MSNBC. "The more you expose it and the more we can castigate people in society on these things to show that this is not acceptable behavior, I think that's to the good."
Speier said members need to be held more accountable. "It's an embarrassment," she said, "and we've got to fix it."
*Alice Crites, Kimberly Kindy and Michael Scherer contributed to this report.*

# RECOMMENDATIONS FOR IMPROVEMENTS TO THE CONGRESSIONAL ACCOUNTABILITY ACT

An Analysis of Federal Workplace Rights, Safety, Health, and Accessibility Laws that Should be Made Applicable to Congress and Its Agencies

December 2014

STATE OF THE CONGRESSIONAL WORKPLACE SERIES

OFFICE OF COMPLIANCE—BOARD OF DIRECTORS BIENNIAL REPORT REQUIRED BY §102(b) OF THE CONGRESSIONAL ACCOUNTABILITY ACT ISSUED AT THE CONCLUSION OF THE 113TH CONGRESS (2013–2014) FOR CONSIDERATION BY THE 114TH CONGRESS (2015–2016)

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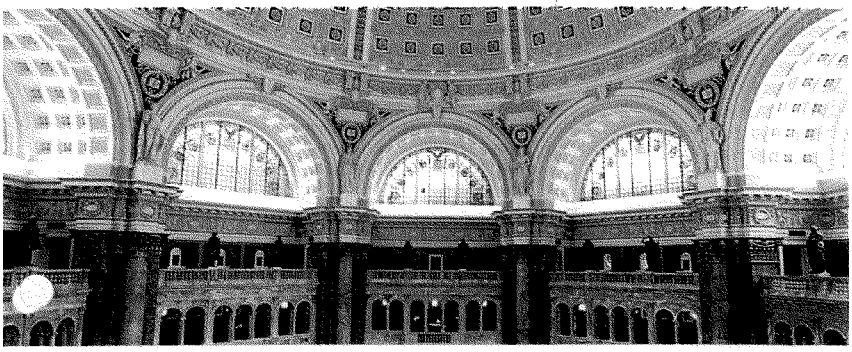
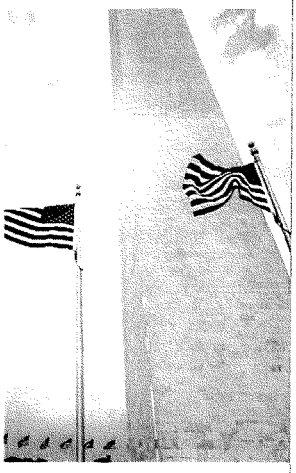




STATEMENT FROM

# THE BOARD OF DIRECTORS

Next month we celebrate the twentieth anniversary of Congress' passage of the Congressional Accountability Act of 1995 (CAA). This anniversary marks the establishment of the Congressional Office of Compliance (OOC) and the promise by Congress that it would hold itself to the same workplace rights protections for its employees that it requires in the public and private sectors. The Board of Directors believes now is the time to celebrate Congress' many accomplishments in the area of workplace rights. However, it is also the time to acknowledge that much work remains, particularly in such areas as mandatory workplace rights training for staff, applying the Whistleblower Protection Act to the Legislative Branch, and increasing protections against retaliation in Occupational Safety and Health matters.

On the eve of this significant milestone, we are very pleased to submit to Congress these 2014 biennial recommendations for improvements to the CAA. In the coming year, we look forward to working with Congress to more fully realize the goal of parity with all workplace rights laws.

As part of Congress' effort to bring accountability to itself and its instrumentalities, the CAA established the OOC to: administer a dispute resolution program for the resolution of claims by Legislative Branch employees under the CAA; carry out an education program to inform Congressional Members, employing offices, and employees about their rights and obligations under the CAA; inspect and investigate Legislative Branch facilities for compliance with safety and health and accessibility laws; and, under the guidance of the Board of Directors, promulgate regulations and advise Congress on needed changes and amendments to the CAA.

The CAA was drafted to provide for ongoing review of the workplace laws that apply to Congress. Section 102(b) of the CAA tasks the Board of Directors of the OOC to do just that. Thus, every Congress, the Board reports on:

> *(A) whether or to what degree [provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees; and (B) access to public services and accommodations] I ...are applicable or inappticable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.*

In keeping with this mandate, the report for 2014 analyzes certain "parity gaps" between Federal workplace rights laws that apply to employers in the private sector and Federal Executive Branch but do not apply to the Legislative Branch and recommends whether these laws should be incorporated into the CAA or made applicable to the Legislative Branch. This report also recommends pragmatic improvements to the CAA to make administering the CAA more efficient and effective.

In some cases, the Board identifies Congressional exemptions from entire statutes, such as the Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002, commonly known as the NoFEAR Act, Public Law 407-174 (2002). In the NoFEAR Act, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." Public Law 407-174, Title I, General Provisions, section 101(1). The NoFEAR Act requires agencies to provide notice and anti-discrimination training to Federal employees of their rights and protections under Federal anti-discrimination and whistleblower protection laws. While the anti-discrimination protections apply to the Legislative Branch, the obligation to train Legislative Branch employees and post notices about their rights does not. This is despite the fact that training and notice posting under the NoFEAR Act have been successful in lowering not only the number of complaints but also the cases of actual discrimination in the Federal government. As we have in past years, we include a recommendation that requires such training for all Legislative Branch employees.

The Board also recommends that Congress consider expanding the CAA to allow the OOC General Counsel to investigate and file complaints with OOC using the procedural rules in place under the CAA for allegations by employees that an employing office retaliated against them because they complained or testified about unsafe or unhealthy working conditions under the Occupational Safety and Health Act of 1970 (OSHAct). Private sector workers can file such complaints with the Occupational Safety and Health Administration under Section 11(c) of the OSHAct, and the Department of Labor's Office of the Solicitor may pursue settlement and file a civil action in U.S. District Court on those complaints. Currently, Legislative Branch employees must pursue such allegations on their own under Section 207 of the CAA, which is the general prohibition against intimidation and reprisal. While Legislative Branch employing offices must comply with Section 5 of the OSHAct and follow the OSHAct standards promulgated by the Secretary of Labor, OSHAct's Section 11(c) does not apply to the Legislative Branch, and there is no similar provision under the CAA that enables the General Counsel to investigate and file complaints with OOC for allegations of retaliation for reporting or testifying about safety and health violations.

The Board welcomes discussion and dialogue on these recommendations. We note that the last time Congress added significant workplace protections to the CAA was in 2008 with passage of the Genetic Information Nondiscrimination Act. That same year Congress made the Americans with Disabilities Act Amendments Act of 2008 applicable to the Legislative Branch. The recommendations in this report concern laws that have been in place for many years for private businesses or the Executive Branch, and long-standing provisions in the CAA that over time have proved the need for an adjustment. We believe these recommendations, if adopted, will demonstrate their worth in terms of more efficient proceedings, reduced complaints, reduced discrimination, and safer workplaces. Again, as we approach our twentieth anniversary we urge Congress to once again consider strengthening its own processes and protections for its most valuable asset, its people.

Sincerely,

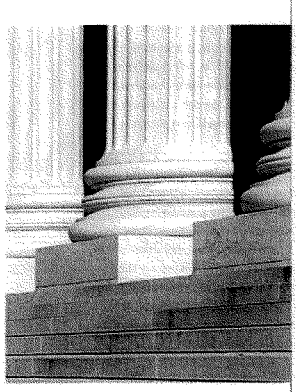
Barbara L. Camens, Chair

Roberta L. Holzwarth

Susan S. Robfogel

Alan V. Friedman

Barbara Childs Wallace



## THE CONGRESSIONAL WORKPLACE AND THE CONGRESSIONAL ACCOUNTABILITY ACT

The Congressional Accountability Act of 1995 (CAA) applies private sector and Executive Branch workplace rights, safety, health, and public access laws to Congress and its agencies, and provides the legal process to resolve alleged violations of the CAA through the Office of Compliance (OOC). The CAA protects over 30,000 employees of the Legislative Branch nationwide (including state and district offices). Under certain circumstances, job applicants and former employees are protected. The CAA also provides protections and legal rights for members of the public with disabilities who are entitled to access to public accommodations and services in the Legislative Branch.

**CONGRESSIONAL WORKPLACES COVERED BY THE CAA**

- House of Representatives
- Senate
- Congressional Budget Office
- Government Accountability Office*
- Library of Congress*
- Office of the Architect of the Capitol
- Office of the Attending Physician
- Office of Compliance
- Office of Congressional Accessibility Services
- United States Capitol Police

**Certain provisions of the CAA may not apply to the Government Accountability Office and Library of Congress; however, employees of those agencies may have similar legal rights under different statutory provisions and procedures.*

| LAWS APPLIED TO THE CONGRESSIONAL WORKPLACE BY THE CAA: | | |
|---|---|---|
| Section 201 of the CAA | No Harassment or Discrimination | Prohibits harassment and discrimination in personnel actions based on race, national origin, color, sex, religion, age, or disability.<br>Laws applied: Title VII of the Civil Rights Act, Age Discrimination in Employment Act (ADEA), Rehabilitation Act of 1973, Title I of the Americans with Disabilities Act (ADA), Americans with Disabilities Act Amendments Act of 2008 (ADAA) |
| Section 202 of the CAA | Family and Medical Leave | Provides leave rights and protections for certain family and medical reasons.<br>Law applied: Family and Medical Leave Act (FMLA) |
| Section 203 of the CAA | Fair Labor Standards | Requires the payment of minimum wage and overtime compensation to nonexempt employees, restricts child labor, and prohibits sex discrimination in wages paid to men and women.<br>Law applied: Fair Labor Standards Act (FLSA) |
| Section 204 of the CAA | Polygraph Testing Protections | With some exceptions, prohibits requiring or requesting that lie detector tests be taken; using, accepting, or inquiring about the results of a lie detector test; or firing or discriminating against an employee based on the results of a lie detector test or refusing to take a test.<br>Law applied: Employee Polygraph Protection Act (EPPA) |
| Section 205 of the CAA | Notification of Office Closing or Mass Layoffs | Under certain circumstances, requires that employees be notified of an office closing or of a mass layoff at least sixty days in advance of the event.<br>Law applied: Worker Adjustment and Retraining Notification Act (WARN) |
| Section 206 of the CAA | Uniformed Services Rights and Protections | Protects employees who are performing service in the uniformed services from discrimination and provides certain benefits and reemployment rights.<br>Law applied: Uniformed Services Employment and Reemployment Rights Act (USERRA) |
| Section 207 of the CAA | Prohibition of Reprisal or Intimidation for Exercising Workplace Rights | Prohibits employing offices from intimidating, retaliating, or discriminating against employees who exercise their rights, as applied by the CAA. |
| Section 210 of the CAA | Access to Public Services and Accommodations | Protects members of the public who are qualified individuals with disabilities from discrimination with regard to access to public services, programs, activities, or places of public accommodation in Legislative Branch agencies.<br>Law applied: Titles II and III of the Americans with Disabilities Act (ADA) |
| Section 215 of the CAA | Hazard-Free Workplaces | Requires that all workplaces be free of recognized hazards that might cause death or serious injury.<br>Law applied: Occupational Safety and Health Act (OSHAct) |
| Section 220 of the CAA | Collective Bargaining and Unionization | Protects the rights of certain Legislative Branch employees to form, join, or assist a labor organization, or to refrain from such activity.<br>Law applied: chapter 71 of Title 5 |
| Genetic Information Nondiscrimination Act (GINA) | Genetic Information Nondiscrimination & Privacy | Prohibits the use of an employee's genetic information as a basis for discrimination in personnel actions. |
| Veterans' Employment Opportunities Act (VEOA) | Veterans' Employment Opportunities | Gives certain veterans enhanced access to job opportunities and establishes a redress system for preference eligible veterans in the event that their veterans' preference rights are violated. |

# MATRIX OF KEY RECOMMENDATIONS BY THE BOARD OF DIRECTORS

This matrix provides a brief summary of the key recommendations from the Board of Directors of the Office of Compliance regarding the Federal laws that currently do not apply to Congress, but do apply to private sector and/or Federal Executive Branch employers. These laws are discussed in-depth at the page numbers indicated.

**Recommendations for Improvements to Workplace Rights Laws**

| Which law does not apply to the Legislative Branch? | What is the purpose of the law? |
|---|---|
| Training of employees about workplace rights and legal remedies<br>See e.g., 5 U.S.C. § 2301 (No FEAR Act) | • Informs employees about basic workplace rights, remedies and how to seek redress for alleged violations of the law<br>• Reminds employers of their workplace obligations and consequences for failure to follow the law |
| Notice-posting of rights under antidiscrimination and other workplace rights laws<br>*See e.g.,*<br>42 U.S.C. § 2000e-10(a) (Title VII )<br>29 U.S.C. § 627 (ADEA )<br>42 U.S.C. § 12115 (ADA )<br>29 U.S.C. § 211 (FLSA /EPA )<br>29 U.S.C. § 2619(a) (FMLA )<br>29 U.S.C. § 2003 (EPPA )<br>38 U.S.C. § 4334(a) (USERRA )<br>29 U.S.C. § 657(c)(OSHA ct)<br>5 U.S.C. § 2301 note (No FEAR Act) | • Informs employees about basic workplace rights, remedies and how to seek redress for alleged violations of the law<br>• Reminds employers of their workplace obligations and consequences for failure to follow the law |
| Prosecution of employing offices for retaliating against employees who report safety and health hazards<br>See OSHAct § 11(c), 29 U.S.C. § 660(c) | • Allows agency with investigatory and prosecutorial authority over substantive violations to protect those who participate in its investigations and proceedings<br>• Allows employees to cooperate with investigators by reporting OSHAct violations and discussing workplace conditions with less fear of reprisal because enforcement agency will investigate and prosecute claims of retaliation<br>• Discourages employing offices from retaliating against employees who report OSHAct violations or otherwise cooperate with investigators<br>• Vests enforcement discretion with the agency having knowledge of the protected conduct and the underlying policy considerations |

Recommendations for Improvements to Workplace Rights Laws

| Which law does not apply to the Legislative Branch? | What is the purpose of the law? |
|---|---|
| Protections against retaliation for whistleblowers who disclose violations of laws, rules or regulations, gross mismanagement, gross waste of funds, abuses of authority, or substantial and specific dangers to public health<br>See e.g., Whistleblower Protection Act of 1989 and Whistleblower Protection Enhancement Act of 2012 | • Employees are often in the best position to know about and report violations of law, waste, mismanagement, and abuse in government and need protections against retaliation when they disclose these violations<br>• Violations of law, waste, mismanagement and abuse of power are often not discovered by other sources<br>• Whistleblowers save taxpayer dollars by exposing waste and abuse<br>• Increases taxpayers' faith in government by protecting whistleblowers who act as "watchdogs" and protect the public's health and safety |
| Name Change Redesignation | • Redesignates the "Office of Compliance" to the "Office of Congressional Workplace Rights" |

"Diversity is great, but in and of itself, it is not the answer. Enforcing the laws protecting employees from harassment, discrimination and retaliation is the answer."

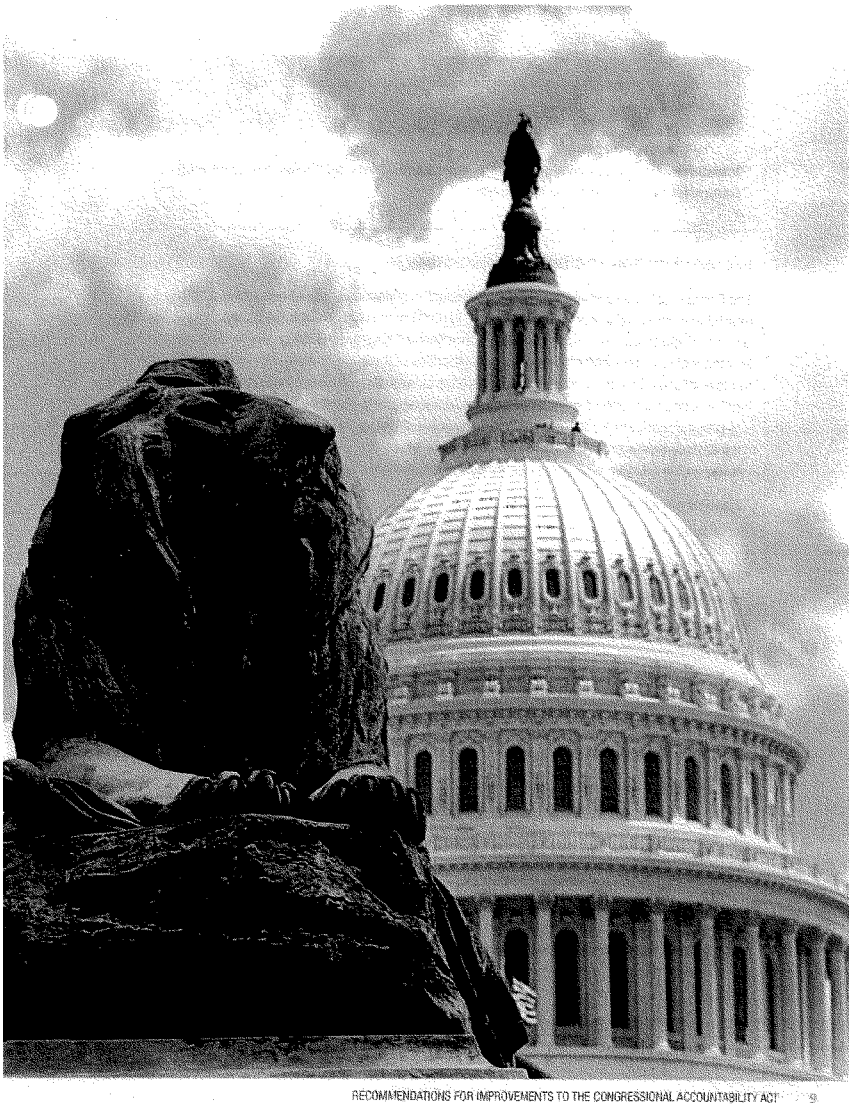
*– The Honorable F. James Sensenbrenner, Jr. (WI), House of Representatives, Extension of Remarks on the Notification and Federal Employee Anti-Discrimination and Retaliation Act (No FEAR Act).*

## RECOMMENDATIONS FOR IMPROVEMENTS TO THE CONGRESSIONAL ACCOUNTABILITY ACT

The Congressional Accountability Act (CAA) applies most Federal employment and labor laws to the Congressional workplace. The Office of Compliance (OOC) has a unique role in administering workplace rights laws. The OOC is required to educate Members of Congress, employing offices, and Congressional employees about their rights and obligations under the CAA. The OOC also implements and ensures the integrity of a dispute resolution system that requires confidential counseling and mediation prior to the adjudication of workplace disputes.

Examples of workplace rights that apply to Congress through the CAA include Title VII, the Americans with Disabilities Act of 1990, the Fair Labor Standards Act, and the Age Discrimination in Employment Act. Nevertheless, in passing the CAA, Congress omitted significant statutory provisions from these laws including mandatory training, notice-posting and recordkeeping requirements. As a result, a primary means of notifying employees that they have protections and remedies through notice-posting is not required in the Congressional workplace.

Congress has also not afforded whistleblower protections to employees who report illegal conduct, gross mismanagement, gross waste of funds, and abuse of authority. It also does not extend workplace protections for employees who serve on jury duty, face bankruptcy, or who have their checks garnished by reason of indebtedness.



## WORKPLACE RIGHTS RECOMMENDATION #1

**Mandatory Anti-Discrimination, Anti-Harassment and Anti-Retaliation Training for All Congressional Employees and Managers**

### RECOMMENDATION TO THE 114TH CONGRESS

The Board recommends that Congress mandate anti-discrimination, anti-harassment, and anti-retaliation training in accordance with Section 301(h)(1) of the Congressional Accountability Act (CAA). Section 301(h)(1) requires that the Office of Compliance (OOC) carry out a program of education for Members of Congress and other employing authorities of the Legislative Branch, with regard to the laws made applicable to them, and a program to inform individuals of their rights under those laws. Currently, training is sporadic, and often does not involve, nor even mention the OOC as a resource or as the place to go for assistance in resolving workplace disputes. Consequently, for consistency and to ensure that the Congressional community is aware of the laws affecting the workplace, we recommend mandatory training on the CAA developed by, or in collaboration with the OOC.

Recommended in prior § 102(b) reports.

### PURPOSE OF THE LAW

Reduces discrimination and retaliation claims

- Informs managers of their obligations under workplace rights laws and improves compliance
- Informs employees about their workplace rights and how workplace conflicts can be resolved
- Puts all employees on notice that inappropriate conduct will not be tolerated

### PARITY GAP IDENTIFIED

Congress and its agencies are exempt from

5 U.S.C. § 2301 note (No FEAR Act of 2002)
(Training Provision)

With the passage of the No FEAR Act of 2002, Congress required all Federal Executive Branch agencies to provide mandatory anti-discrimination and anti-retaliation training to all employees to reinvigorate their longstanding obligation to provide a work environment free of discrimination and retaliation.

**ANALYSIS**

It is widely acknowledged that education directly impacts employee behavior. In the area of harassment and discrimination prevention, a comprehensive training program continues to be the most effective investment an organization can make in reducing complaints and creating a more productive workforce. The Executive Branch, recognizing this effect, requires each federal agency to provide employees training regarding their rights and remedies under anti-discrimination and anti-retaliation laws (Section 202(c) of the Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002 (No FEAR Act)). The No FEAR Act mandates that all current employees and managers be trained by a date certain, and training thereafter must be conducted no less than every two years. New employees must receive training as part of a new hire orientation program and where there is no new hire orientation program, new employees are to receive the applicable training within 90 days of their appointment.

The Office of Compliance (OOC) conducted a review of the impact of the mandatory anti-discrimination/harassment training under the No FEAR Act, which revealed that a modest (every two years) training program reduced discrimination complaints by approximately 25%.

This is all the more important when assessing the larger issue of sexual harassment, which remains grossly underreported by its victims. A study conducted by the U.S. Merit Systems Protection Board (MSPB) found that 44% of women and 19% of men employed in the Executive Branch reported encountering some form of sexual harassment during a two year period. Of those individuals, only 6% took any formal action to stop the behavior. The MSPB study also determined that this unreported harassment wields hidden costs, which cause the government a loss of over $300 million a year in excessive sick leave usage, lowered productivity, and increased turnover rates. Because sexual harassment remains so underreported, training takes on heightened importance as organizations attempt to curtail objectionable behavior at the outset, in addition to giving victims an avenue for redress.

The OOC not only has the statutory mandate by Congress to carry out a program of education under Section 301(h)(1), but also the practical and subject matter expertise to effectively work with Members, employing offices, and individuals in implementing this initiative. The Board believes that such a comprehensive training program by the OOC would greatly benefit the Congressional community and go far in creating a model workplace.

# WORKPLACE RIGHTS RECOMMENDATION #2

**Require Notice-Posting of Congressional Workplace Rights in All Employing Offices**

## RECOMMENDATION TO THE 114TH CONGRESS

The Board of Directors recommends that Congress adopt all notice-posting requirements that exist under the Federal anti-discrimination, anti-harassment, safety and health, and other workplace rights laws covered under the CAA, and no longer exempt itself from the responsibility of notifying employees about their rights through this medium. Private and public employers are required by law to post notices of workplace rights and information necessary for asserting claims for alleged violations of those rights. The reason that most workplace rights laws passed by Congress require noticeposting is that it is a proven and effective tool in providing consistent and ongoing information to employees about their rights notwithstanding changes in workforce composition or location.

Recommended in prior § 102(b) reports.

## PURPOSE OF THE LAW

Informs employees of basic workplace rights, remedies, and how to seek redress for alleged violations of the law

Reminds employers of their workplace obligations and consequences for failure to follow the law

## PARITY GAP IDENTIFIED

Congress and its agencies are exempt from notice posting provisions 42 U.S.C. § 2000e-10(a)

(Title VII)
29 U.S.C. § 627 (ADEA)
42 U.S.C. § 12115 (ADA)
29 U.S.C. § 211 (FLSA/EPA)
29 U.S.C. § 2619(a) (FMLA)
29 U.S.C. § 2003 (EPPA)
38 U.S.C. § 4334(a) (USERRA)
29 U.S.C. § 657(c) (OSHA)
5 U.S.C. § 2301 note
(notice-posting provision)
(No FEAR Act)

Almost all Federal anti-discrimination, anti-harassment, safety and health and other workplace rights laws require that employers prominently post notices of those rights and information pertinent to asserting claims for alleged violations of those rights. Although the CAA does provide for the OOC to distribute informational material "in a manner suitable for posting," it does not mandate the actual posting of the notice. Exemption from notice-posting limits Congressional employees' access to a key source of information about their rights and remedies.

ANALYSIS

Most federal workplace rights statutes that apply in the private and public sectors require employers to post notices to inform employees of their workplace rights, remedies for violations of the law and the appropriate authorities to contact for assistance. Because the legal obligation results in permanent postings, current and new employees are informed about their rights regardless of their location, employee turnover, or other changes in the workplace. The notices also serve as a reminder to employers about their obligations and the legal ramifications for violating the law.

Even though Federal law imposes notice-posting on private and public sector employers, most notice-posting requirements do not apply to the Legislative Branch. The failure to require notice-postings in the Congressional workplace may explain recent findings by the Congressional Management Foundation that most Congressional employees have limited to no knowledge of their workplace rights.[5]

*Currently, the following notice-posting provisions have no application to Congress and its employing offices:*

**Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-10(a)**, requires private sector and Federal Executive Branch employers to notify employees about Title VII's protections that personnel actions affecting covered employees shall be free from discrimination or harassment on the basis of race, color, religion, sex and national origin.

**Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. § 627**, requires private sector and Federal Executive Branch employers to notify employees about the ADEA's protections that personnel actions affecting covered employees shall be free from discrimination or harassment on the basis of age.

**Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12117**, requires private sector and Federal Executive Branch employers to notify employees about ADA's protections that provide that personnel actions affecting covered employees shall be free from discrimination or harassment on the basis of disability.

**The Fair Labor Standards Act of 1938 (FLSA) (including the Equal Pay Act), 29 U.S.C. § 211**, requires private sector and Federal Executive Branch employers to notify employees about FLSA protections which require payment of the minimum wage and overtime compensation to nonexempt employees, restrict child labor, and prohibit sex discrimination in wages paid to men and women.

**Family And Medical Leave Act of 1993 (FMLA), 29 U.S.C. § 2619(a)**, requires private sector and Federal Executive Branch employers to notify employees about FMLA's protections which require unpaid leave for covered employees for certain family and medical reasons.

**The Employee Polygraph Protection Act of 1988 (EPPA), 29 U.S.C. § 2003**, requires private sector and Federal Executive Branch employers to notify employees about EPPA's protections which, with certain exceptions, prohibit requiring or requesting that lie detector tests be taken; using, accepting, or inquiring about results of a lie detector test; or firing or discriminating against an employee based on the results of a lie detector test or for refusing to take a test.

**Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. § 4334(a)**, requires private sector and Federal Executive Branch employers to notify employees about USERRA's protections which protect employees performing service in the uniformed services from discrimination and provide certain rights to benefits and reemployment rights upon completion of service.

**The Occupational Safety and Health Act of 1970 (OSHAct), 29 U.S.C. § 657(c)**, requires private sector employers to notify employees about OSHAct's protections which require that all workspaces be free from safety and health hazards that might cause death or serious injury.

These notice-posting statutory provisions require that the Equal Employment Opportunity Commission or the Secretary of Labor promulgate regulations to implement the notice-posting requirements.[6] If Congress were to adopt the statutory provisions regarding notice-posting, the OOC Board would promulgate similar posting regulations tailored to the Congressional workplace.

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[5] See Fiscal Year 2009 Annual Report "State of the Congressional Workplace" at pp. 38–41.

[6] The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) also requires notice-posting of antidiscrimination laws in all Federal Executive Branch agencies.

# WORKPLACE RIGHTS RECOMMENDATION #3

**Authority to Investigate and Litigate Claims of Retaliation Against Congressional Employees**

## RECOMMENDATION TO THE 114TH CONGRESS

The Board of Directors recommends that Congress grant the OOC General Counsel authority to investigate and pursue complaints of retaliation with the OOC using the procedural rules in place for OSHAct violations under the Act. This change will provide parity with private sector workers, who can file such matters with OSHA, and have the Department of Labor's Office of the Solicitor consider whether to pursue settlements and file a civil action in U.S. District Court. Currently, Legislative Branch employees lack the same rights, thus leaving them to pursue protections on their own through the OOC.

Recommended in prior § 102(b) reports.

## PURPOSE OF THE LAW

- Allows agency with investigatory and prosecutorial authority over substantive violations to protect those who participate in its investigations and proceedings
- Facilitates employee cooperation with investigators in reporting OSHAct violations and discussing workplace conditions with less fear of reprisal because enforcement agency will investigate and prosecute claims of retaliation
- Discourages employing offices from retaliating against employees who report OSHAct violations or otherwise cooperate with investigators
- Vests enforcement discretion with the agency having knowledge of the protected conduct and the underlying policy considerations

## PARITY GAP IDENTIFIED

Congress and its agencies are exempt from

OSHAct § 11(c), 29 U.S.C. § 660(c)(2)

Under OSHAct § 11(c), 29 U.S.C. § 660(c), the Secretary of Labor can protect employees in the private sector who report OSHAct violations by investigating and litigating retaliation claims. Legislative Branch employees receive no such protection from the OOC General Counsel and must shoulder the costs and burdens of investigating and litigating such claims of retaliation.

**ANALYSIS**

Section 215 of the CAA tasks the General Counsel with conducting, on a regular basis and at least once each Congress, periodic inspections of all facilities of the House of Representatives, the Senate, and the many Legislative Branch entities. Such inspections are our principle means of identifying and preventing the occurrence of serious safety and health hazards. Due to limited resources, the General Counsel has focused the inspections on higher-risk hazards in the facilities and operations that pose the greatest threat of fatalities and injuries to workers and building occupants. Because we are not thoroughly inspecting all facilities at least once each Congress, it becomes even more vital that Legislative Branch employees step forward to report safety and health violations. They will not do so if there are not robust protections against retaliation. Providing the General Counsel with the ability to investigate and pursue complaints of retaliation with OOC is a significant step in providing that protection. Employee participation is critical to identifying and preventing hazards, especially where the CAA does not provide other well-established means for investigating potential hazards, such as applying OSHAct record-keeping requirements to employing offices, or granting the General Counsel subpoena power for documents.

Therefore, the Board recommends that Congress expand the CAA to allow the OOC General Counsel to investigate and file complaints of retaliation with OOC using the procedural rules in place for OSHAct violations under the CAA. This change will provide parity with private sector workers, who can file such matters with the Occupational Safety and Health Administration under Section 11(c) of the OSHAct and have the Department of Labor's Office of the Solicitor consider whether to pursue settlement and file a civil action in U.S. District Court on those complaints. Section 11(c) does not apply to the Legislative Branch, leaving Legislative Branch employees to pursue protection on their own before the OOC under the CAA's general prohibition against intimidation or reprisal.

## WORKPLACE RIGHTS RECOMMENDATION

**Whistleblower Protections for Disclosing Violations of Laws, Rules or Regulations, Gross Mismanagement, Gross Waste of Funds, Abuses of Authority, or Substantial and Specific Dangers to Public Health**

### RECOMMENDATION TO THE 114TH CONGRESS

The Board of Directors recommends that Congress and its agencies be held accountable under appropriate provisions that are similar to those in the Whistleblower Protection Act of 1989 and Whistleblower Protection Enhancement Act of 2012, and provide Congressional employees with protections from retaliation when they disclose violations of laws, rules or regulations, gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety in the Legislative Branch.

Recommended in prior § 102(b) reports.

### PURPOSE OF THE LAW

Employees are often in the best position to know about and report violations of law, waste, mismanagement, and abuse in government and need protections against retaliation when they disclose these violations

Violations of law, waste, mismanagement and abuse of power are often not discovered by other sources

Whistleblowers save taxpayer dollars by exposing waste and abuse

Provisions increase taxpayers' faith in government by protecting whistleblowers who act as "watchdogs" and protect the public's health and safety

### PARITY GAP IDENTIFIED

Congress and its agencies are exempt from

Whistleblower Protection Act of 1989
Whistleblower Protection Enhancement Act of 2012

Congress passed the Whistleblower Protection Act of 1989 (WPA) to protect Federal workers in the Executive Branch from retaliation for reporting violations of laws, rules, or regulations, gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Since that time, Congress has also passed other whistleblower protection laws, such as the Sarbanes-Oxley Act, to protect employees in the private sector from reporting similar violations. While the Legislative Branch may experience abuses and gross mismanagement similar to those in the private sector and Executive Branch, Congressional employees do not have whistleblower protection if they decide to report on such matters.

**ANALYSIS**

Over the years, the OOC has received numerous inquiries from Legislative Branch employees about their legal rights following their disclosures of alleged violations of law, abuses, or mismanagement. Unfortunately, employees wishing protection for such disclosures are not currently protected from employment retaliation by any law.[1] The anti-retaliation provisions of the CAA provide protection only to employees who exercise rights covered under the current provisions of the CAA. Whistleblower protections are intended specifically to add to these protections by preventing employers from taking retaliatory employment action against an employee who discloses information which he or she reasonably believes evidences a violation of law, gross mismanagement, or substantial and specific danger to public health or safety. When Congress first enacted the Whistleblower Protection Act (WPA) in 1989[2], it stated that the intent of the legislation was to:

> strengthen and improve protection for the rights of Federal employees, to prevent reprisals, and to help eliminate wrongdoing within the Government by—(1) mandating that employees should not suffer adverse consequences as a result of prohibited personnel practices; and (2) establishing...that while disciplining those who commit prohibited personnel practices may be used as a means by which to help accomplish that goal, the protection of individuals who are the subject of prohibited personnel practices remains the paramount consideration.[3]

These rights were not extended to Congressional employees under the CAA, and the OOC has urged Congress and its agencies to afford their employees these same protections. In both the 109th and 110th Congresses, legislation was introduced[4] that would have amended the CAA to give Legislative Branch employees some of the whistleblower protection rights that are available to Federal Executive Branch and private sector employees. Efforts to pass the legislation failed. Now that Congress has passed, and the President has signed, the WPEA, the rights of Executive Branch employees have been solidified, providing an excellent framework to follow for Legislative Branch employees. One of the strongest proponents of whistleblower protections for Legislative Branch employees has been Senator Chuck Grassley. In introducing legislation that would give Legislative Branch employees whistleblower protections, Senator Grassley released this statement:

> "Americans want an accountable and responsible Congress. Whistleblowers can be a key component to ensuring that misdeeds are uncovered. They are often the only ones who know the skeletons hidden deep in the closets. It takes courage to stand up and point out wrongdoing and it's unacceptable that people would be retaliated against for doing the right thing...Whistleblowers in the executive branch have helped me do my job of oversight. It's simply not fair, nor is it good governance for Congress to enact whistleblower protections on the other branches of government without giving its own employees the same consideration. Congress needs to practice what it preaches." —Press release, February 25, 2009.

Senator Claire McCaskill who co-sponsored this legislative effort stated the following:

> "Whistleblowers are the eyes and ears that expose some of the worst cases of fraud, waste and abuse of power... Since I arrived in Washington, I have made it a goal to protect watchdogs who keep government and industry on the straight and narrow, and Congress should be no exception. We need to make sure that congressional employees have the same protections from retaliation as their colleagues in the executive branch."

While the Board understands that there may be practical problems with applying all aspects of the WPA and the WPEA to the Legislative Branch, we support the efforts of Senators Grassley and McCaskill as they continue to advocate for whistleblower protections for Congressional employees.

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[1] As the Board has indicated in prior § 102(b) reports, Legislative Branch employees may currently be covered by the anti-retaliation provisions of the Toxic Substances Control Act; Clean Water Act; Safe Drinking Water Act; Energy Reorganization Act; Solid Waste Disposal Act/ Resources Conservation Recovery Act; Clean Air Act; and Comprehensive Environmental Response, Compensation and Liability Act. While the Board has previously recommended that Congress clarify that protection for Legislative Branch employees exists under these environmental statutes, the current Board has concluded that it is no longer necessary to include this as a separate recommendation because such protection can be provided by enacting comprehensive whistleblower protection.

[2] The Whistleblower Protection Act was amended by the Whistleblower Protection Enhancement Act of 2012 (WPEA) (PL 112-199).

[3] 5 U.S.C. § 1201 nt.

[4] S.3676, 109th Cong. (2006); S. 508, 110th Cong. (2007).

## WORKPLACE RIGHTS RECOMMENDATION #5

**Redesignating the "Office of Compliance" as the "Office of Congressional Workplace Rights"**

The Congressional Accountability Act (CAA), Public Law 104-1, was passed in 1995 with almost unanimous support. Section 301 of the CAA establishes an independent office within the legislative branch of the Federal Government and named the office the Office of Compliance.

Unfortunately, the Office of Compliance as an organizational name does not accurately reflect the work of our office in enforcing the thirteen workplace rights and safety laws made applicable to Congress by the CAA. The Board believes that changing the name of the office to better reflect our mission will make it easier for employees and the public to identify us for their needs.

**RECOMMENDATION TO THE 114TH CONGRESS**

The Board recommends that Congress redesignate the Office of Compliance under Title 2 of the United States Code Section 1381 as the Office of Congressional Workplace Rights.

**PURPOSE OF THE LAW**

To better reflect the mission and function of our office under the CAA

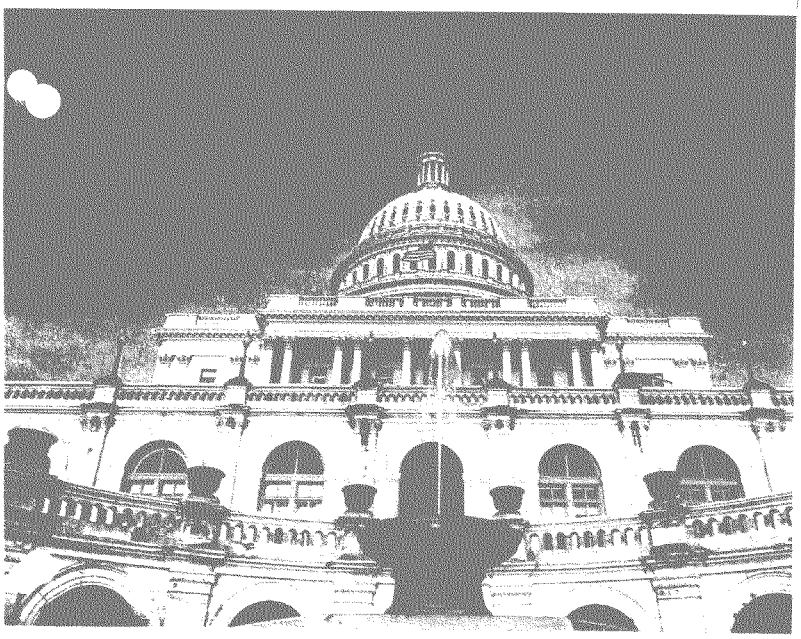
Enable legislative branch employees to better identify and access the services of our office

To reduce confusion and misdirected contact by the public because of an ambiguous name

ANALYSIS

The Office of Compliance (OOC) is a multi-faceted agency for legislative branch personnel. The OOC and its small staff of 22 employees serve the functions of numerous Executive branch agencies with thousands of personnel, including the Occupational Safety and Health Administration (OSHA), the Department of Labor (DOL) and the Equal Employment Opportunity Commission (EEOC). While this consolidation of services or "one-stop" shop for workplace rights makes it simple for employees, it is only effective if an employee can find our office when they need it to take advantage of those services. Also, as our office provides access coverage to the public under the American with Disabilities Act (ADA), it is important to ensure that the public visiting both Capitol Hill and member district/state offices can quickly and easily identify and locate us.

One part of solving this problem, as seen by recommendations 1 and 2 of this report, is prioritizing outreach, education and notice posting to Congressional staff to explain the OOC's mission and the services we provide. However, while these initiatives will have an impact, a simple name change enhances these efforts and will make accessing services more intuitive both in web-based searches and in printed directories.



"And how can Congress claim to pass laws in the best interest of the American people if Congress refuses to abide by those very same laws... Congress should be the very last institution in America to exempt itself from living under the Nation's laws. Rather, Congress should always be the very first institution to be covered by the laws of the land, especially as the body legislating such laws."

*—Senator Olympia Snowe (ME), January 5, 1995, from the legislative history of the Congressional Accountability Act of 1995*

## ADDITIONAL WORKPLACE RIGHTS RECOMMENDATIONS

**APPROVAL OF UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT REGULATIONS**

Section 206 of the CAA applies certain rights and protections of USERRA to covered employees performing service in the "uniformed services." The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) was enacted to encourage non-career service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment that can result from military service. The uniformed services includes the Armed Forces (active and reserve), the National Guard, the Public Health Service, or any other category designated by the President during time of war or emergency. There is an immediate need for USERRA regulations in the Legislative Branch, sensitive to its particular procedures and practices. Congress has seen fit to provide servicemen and women certain protections in federal civilian employment and the Board of Directors urges speedy passage of the regulations to make meaningful to the covered community the rights afforded by USERRA.

**PROTECT EMPLOYEES WHO SERVE ON JURY DUTY (28 U.S.C. § 1875)**

Section 1875 provides that no employer shall discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of the United States. This section currently does not cover Legislative Branch employment. For the reasons set forth in the 1996, 1998, 2000 and 2006 § 102(b) Reports, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the Legislative Branch.

**PROTECT EMPLOYEES AND APPLICANTS WHO ARE OR HAVE BEEN IN BANKRUPTCY (11 U.S.C. § 525)**

Section 525(a) provides that "a governmental unit" may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person because that person is or has been a debtor under the bankruptcy statutes. This provision currently does not apply to the Legislative Branch. For the reasons stated in the 1996, 1998, 2000 and 2006 § 102(b) Reports, the Board recommends that the rights and protections against discrimination on this basis should be applied to employing offices within the Legislative Branch.

**PROHIBIT DISCHARGE OF EMPLOYEES WHO ARE OR HAVE BEEN SUBJECT TO GARNISHMENT (15 U.S.C. § 1674(A))**

Section 1674(a) prohibits discharge of any employee because his or her earnings "have been subject to garnishment for any one indebtedness." This section is limited to private employers, so it currently has no application to the Legislative Branch. For the reasons set forth in the 1996, 1998, 2000 and 2006 § 102(b) Reports, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the Legislative Branch.

## ACRONYMS

**ADEA:** Age Discrimination in Employment Act of 1967

**ADA:** Americans with Disabilities Act of 1990

**CAA:** Congressional Accountability Act of 1995

**DOL:** Department of Labor (Federal Executive Branch)

**EPPA:** Employee Polygraph Protection Act of 1988

**EPA:** Equal Pay Act

**FLSA:** Fair Labor Standards Act of 1938

**FMLA:** Family Medical Leave Act of 1993

**GINA:** Genetic Information Nondiscrimination Act of 2008

**No FEAR Act:** Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002

**OSHAct:** Occupational Safety and Health Act of 1970

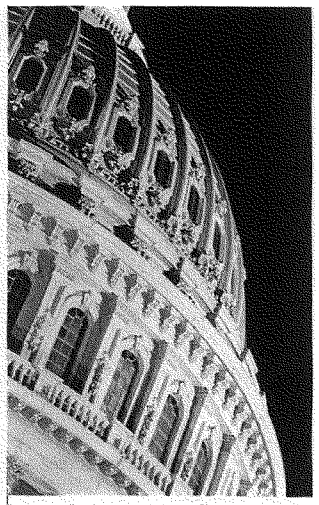
**OOC:** Office of Compliance

**Title VII:** Title VII of the Civil Rights Act of 1964

**USERRA:** Uniformed Services Employment and Reemployment Rights Act of 1994

**WPA:** Whistleblower Protection Act of 1989

**WPEA:** Whistleblower Protection Enhancement Act of 2012



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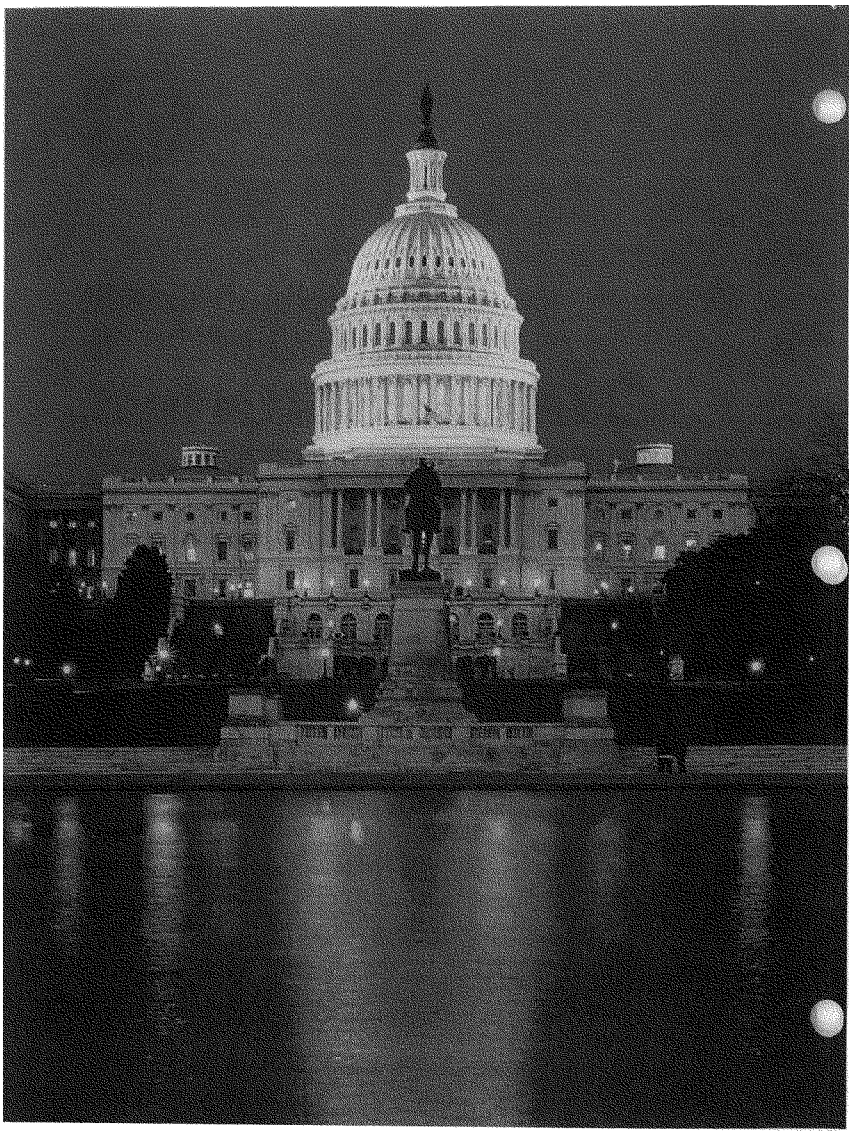
# RECOMMENDATIONS FOR IMPROVEMENTS TO THE CONGRESSIONAL ACCOUNTABILITY ACT

An Analysis of Federal Workplace Rights, Safety, Health, and Accessibility Laws that Should be Made Applicable to Congress and Its Agencies

December 2012

STATE OF THE CONGRESSIONAL WORKPLACE SERIES

OFFICE OF COMPLIANCE—BOARD OF DIRECTORS BIENNIAL REPORT REQUIRED BY §102(b) OF THE CONGRESSIONAL ACCOUNTABILITY ACT ISSUED AT THE CONCLUSION OF THE 112TH CONGRESS (2011–2012) FOR CONSIDERATION BY THE 113TH CONGRESS (2013–2014)



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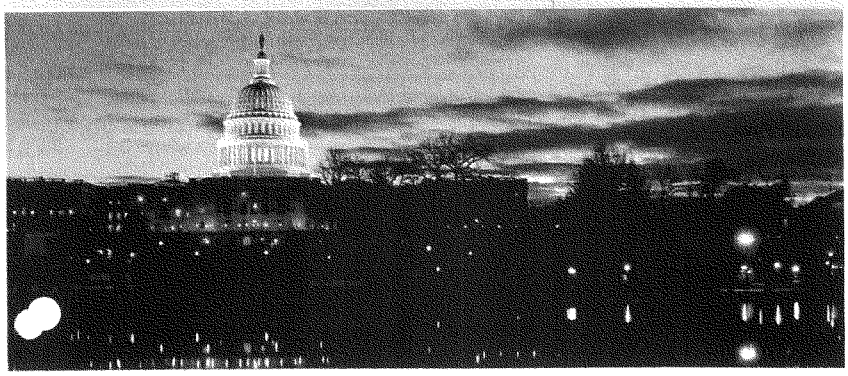
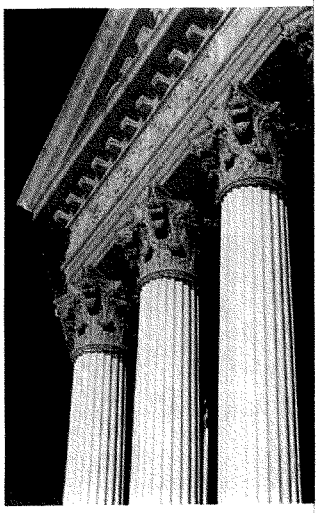


STATEMENT FROM

# THE BOARD OF DIRECTORS



With the passage of the Congressional Accountability Act of 1995 (CAA), Congress became accountable—for the first time—under major federal civil rights statutes that apply to private sector and Federal Executive Branch employers, such as the Americans with Disabilities Act of 1990, and safety and health standards under the Occupational Safety and Health Act of 1970. As outlined in our annual reports, "State of the Congressional Workplace", the CAA brought substantial improvements to the Legislative Branch in the areas of safety and health, access for people with disabilities, and a meaningful legal process for Congressional employees to administer their employment rights.

The CAA established the Office of Compliance (OOC) to: administer a dispute resolution program for claims brought by Congressional employees under the CAA; carry out an education program to inform Congressional Members, employing offices, and employees about their rights and obligations under the CAA; inspect Congressional facilities for compliance with safety and health and accessibility laws; and, under the guidance of the Board of Directors, promulgate regulations and make recommendations for changes to the CAA to keep Congress accountable under current workplace laws that apply to private and public employers.

This latter role of the Board is the subject of this report. The CAA was drafted in a manner that demonstrates that Congress intended that there be an ongoing, vigilant review of the workplace laws that apply to Congress. In so doing, Congress would be held accountable under the same Federal workplace laws that apply to private businesses, the Federal Executive Branch, and the American people. At its core, § 102(b) of the CAA asks the Board of Directors for the OOC to report, on a biennial basis:

> *whether or to what degree [provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees; and (B) access to public services and accommodations]... are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.*

This report analyzes certain "parity gaps" between Federal workplace rights laws that apply to employers in the private sector as compared to Congress and its agencies, and recommends whether these laws should be made applicable to the Legislative Branch through the CAA.

The recommendations made by the Board in this report make clear that coverage under the CAA is incomplete. The Board's required analysis under § 102(b) of the CAA demonstrates that Congress remains exempt from certain workplace laws that it passed to hold private and public sector employers accountable. Indeed, the vast majority of the laws that we recommend in this report apply to Congress existed at the time the CAA was passed. Most of the recommendations the Board makes here have

been made in prior reports. The Board reiterates these recommendations to emphasize the need for these protections. In some cases, the Board identifies Congressional exemption from entire statutes, such as the Whistleblower Protection Act of 1989. Congress recognizes whistleblowers as a key resource in weeding out fraud and misuse of taxpayer dollars in the Federal Executive Branch and under some laws in the private sector, yet its own employees are denied whistleblower protection from retaliation if they report such behaviors.

Even with respect to laws that it applied to itself through the CAA, Congress carved out significant and potent portions. For example, where Congress is accountable for the main remedial provisions of workplace rights laws, such as the anti-discrimination provisions of Title VII of the Civil Rights Act of 1964, it is not required to post notification to its employees of their workplace rights, nor keep personnel records so that employees have evidence to prove violations occurred.

Congress has also inconsistently applied noticeposting and recordkeeping requirements to itself. While the notice-posting and recordkeeping requirements of most anti-discrimination statutes do not apply to Congress and its agencies, Congress included itself in the notice-posting and recordkeeping requirements in the landmark Genetic Nondiscrimination Act of 2008 (GINA). Employing offices must post a notice of rights about genetic nondiscrimination, but not about nondiscrimination with regard to race, sex, national origin, religion, disability, and age. Congress and its agencies must follow the recordkeeping provisions of GINA but not similar provisions of the Americans with Disabilities Act, even though both laws limit access to sensitive medical information disclosed by employees. The inconsistency of requiring the notice-posting and recordkeeping under GINA, but not under other nondiscrimination laws, may lead to unnecessary confusion by employing offices and employees alike.

The Board urges Congress to hold itself and its agencies accountable under all of the significant employment laws of the land, and welcomes discussion and dialogue on these recommendations.

Sincerely,

Barbara L. Camens, Chair

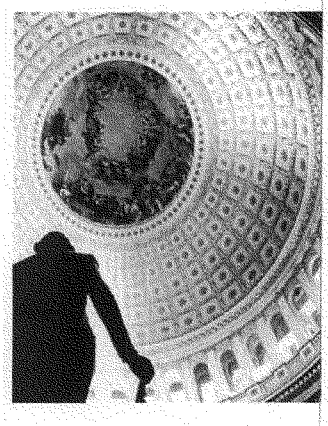
Roberta L. Holzwarth

Susan S. Robfogel

Alan V. Friedman

Barbara Childs Wallace

## THE CONGRESSIONAL WORKPLACE AND THE **CONGRESSIONAL ACCOUNTABILITY ACT**



The Congressional Accountability Act of 1995 (CAA) applies private sector and Executive Branch workplace rights, safety, health, and public access laws to Congress and its agencies, and provides the legal process to resolve alleged violations of the CAA through the Office of Compliance (OOC). The CAA protects over 30,000 employees of the Legislative Branch nationwide (including state and district offices). Under certain circumstances, job applicants and former employees are protected. The CAA also provides protections and legal rights for members of the public with disabilities who are entitled to access to public accommodations and services in the Legislative Branch.

**CONGRESSIONAL WORKPLACES COVERED BY THE CAA**

- House of Representatives
- Senate
- Congressional Budget Office
- Government Accountability Office*
- Library of Congress*
- Office of the Architect of the Capitol
- Office of the Attending Physician
- Office of Compliance
- Office of Congressional Accessibility Services
- United States Capitol Police

**Certain provisions of the CAA do not apply to the Government Accountability Office and Library of Congress; however, employees of those agencies may have similar legal rights under different statutory provisions and procedures.*

| LAWS APPLIED TO THE CONGRESSIONAL WORKPLACE BY THE CAA: | | |
|---|---|---|
| Section 201 of the CAA | No Harassment or Discrimination | Prohibits harassment and discrimination in personnel actions based on race, national origin, color, sex, religion, age, or disability.<br>Laws applied: Title VII of the Civil Rights Act, Age Discrimination in Employment Act (ADEA), Rehabilitation Act of 1973, Title I of the Americans with Disabilities Act (ADA) |
| Section 202 of the CAA | Family and Medical Leave | Provides leave rights and protections for certain family and medical reasons.<br>Law applied: Family and Medical Leave Act (FMLA) |
| Section 203 of the CAA | Fair Labor Standards | Requires the payment of minimum wage and overtime compensation to nonexempt employees, restricts child labor, and prohibits sex discrimination in wages paid to men and women.<br>Law applied: Fair Labor Standards Act (FLSA) |
| Section 204 of the CAA | Polygraph Testing Protections | With some exceptions, prohibits requiring or requesting that lie detector tests be taken; using, accepting, or inquiring about the results of a lie detector test; or firing or discriminating against an employee based on the results of a lie detector test or refusing to take a test.<br>Law applied: Employee Polygraph Protection Act (EPPA) |
| Section 205 of the CAA | Notification of Office Closing or Mass Layoffs | Under certain circumstances, requires that employees be notified of an office closing or of a mass layoff at least sixty days in advance of the event.<br>Law applied: Worker Adjustment and Retraining Notification Act (WARN) |
| Section 206 of the CAA | Uniformed Services Rights and Protections | Protects employees who are performing service in the uniformed services from discrimination and provides certain benefits and reemployment rights.<br>Law applied: Uniformed Services Employment and Reemployment Rights Act (USERRA) |
| Section 207 of the CAA | Prohibition of Reprisal or Intimidation for Exercising Workplace Rights | Prohibits employing offices from intimidating, retaliating, or discriminating against employees who exercise their rights, as applied by the CAA. |
| Section 210 of the CAA | Access to Public Services and Accommodations | Protects members of the public who are qualified individuals with disabilities from discrimination with regard to access to public services, programs, activities, or places of public accommodation in Legislative Branch agencies.<br>Law applied: Titles II and III of the Americans with Disabilities Act (ADA) |
| Section 215 of the CAA | Hazard-Free Workplaces | Requires that all workplaces be free of recognized hazards that might cause death or serious injury.<br>Law applied: Occupational Safety and Health Act (OSHAct) |
| Section 220 of the CAA | Collective Bargaining and Unionization | Protects the rights of certain Legislative Branch employees to form, join, or assist a labor organization, or to refrain from such activity.<br>Law applied: chapter 71 of Title 5 |
| Genetic Information Nondiscrimination Act (GINA) | Genetic Information Nondiscrimination & Privacy | Prohibits the use of an employee's genetic information as a basis for discrimination in personnel actions. |
| Veterans' Employment Opportunities Act (VEOA) | Veterans' Employment Opportunities | Gives certain veterans enhanced access to job opportunities and establishes a redress system for preference eligible veterans in the event that their veterans' preference rights are violated. |

# MATRIX OF
# KEY RECOMMENDATIONS BY THE BOARD OF DIRECTORS

This matrix provides a brief summary of the key recommendations from the Board of Directors of the Office of Compliance regarding the Federal laws that currently do not apply to Congress, but do apply to private sector and/or Federal Executive Branch employers. These laws are discussed in-depth at the page numbers indicated.

**Recommendations for Improvements to Workplace Rights Laws**

| Which law does not apply to the Legislative Branch? | What is the purpose of the law? | Does the Board recommend that the law apply to the Legislative Branch? |
|---|---|---|
| Protections against retaliation for whistleblowers who disclose violations of laws, rules or regulations, gross mismanagement, gross waste of funds, abuses of authority, or substantial and specific dangers to public health<br>*See e.g.*, Whistleblower Protection Act of 1989 and Whistleblower Protection Enhancement Act of 2012 | • Employees are often in the best position to know about and report violations of law, waste, mismanagement, and abuse in government and need protections against retaliation when they disclose these violations<br>• Violations of law, waste, mismanagement and abuse of power are often not discovered by other sources<br>• Whistleblowers save taxpayer dollars by exposing waste and abuse<br>• Increases taxpayers' faith in government by protecting whistleblowers who act as "watchdogs" and protect the public's health and safety | Yes<br>Page 10 |
| Notice-posting of rights under antidiscrimination and other workplace rights laws<br>*See e.g.*,<br>42 U.S.C. § 2000e-10(a) (Title VII )<br>29 U.S.C. § 627 (ADEA )<br>42 U.S.C. § 12115 (ADA )<br>29 U.S.C. § 211 (FLSA /EPA )<br>29 U.S.C. § 2619(a) (FMLA )<br>29 U.S.C. § 2003 (EPPA )<br>38 U.S.C. § 4334(a) (USERRA )<br>29 U.S.C. § 657(c)(OSHA ct)<br>5 U.S.C. § 2301 note (No FEAR Act) | • Informs employees about basic workplace rights, remedies and how to seek redress for alleged violations of the law<br>• Reminds employers of their workplace obligations and consequences for failure to follow the law | Yes<br>Page 12 |
| Retention of employee records that are necessary and appropriate for the administration of laws<br>*See e.g.*,<br>42 U.S.C. § 2000e-8 (Title VII )<br>29 U.S.C. § 626(a) (ADEA )<br>42 U.S.C. § 12117 (ADA )<br>29 U.S.C. § 2616(b) (FMLA )<br>29 U.S.C. § 211(c) (FLSA /EPA ) | • Records assist in speedier resolution of claims<br>• Employers can use records as critical evidence to demonstrate that no violation of the law occurred<br>• Employees can use records as critical evidence to assert their rights | Yes<br>Page 14 |
| Training of employees about workplace rights and legal remedies<br>*See e.g.*, 5 U.S.C. § 2301 (No FEAR Act) | • Informs employees about basic workplace rights, remedies and how to seek redress for alleged violations of the law<br>• Reminds employers of their workplace obligations and consequences for failure to follow the law | Yes<br>Page 16 |

Recommendations for Improvements to Safety and Health Laws

| Which law does not apply to the Legislative Branch? | What is the purpose of the law? | Does the Board recommend that the law apply to the Legislative Branch? |
|---|---|---|
| Investigatory subpoenas issued to obtain needed information for safety and health investigations<br>*See* OSHAct § 8(b), 29 U.S.C. § 657(b) | • Encourages voluntary and timely cooperation with investigating agency that saves time and money<br>• Allows investigating agency access to essential health and safety information<br>• More effective preservation of witness recollection and other evidence<br>• Reduces employee exposure time to hazardous conditions | Yes<br>Page 22 |
| Recordkeeping of safety and health injuries of employees<br>*See* OSHAct § 8(c), 29 U.S.C. § 657(c) | • Provides a cost-efficient method for identifying injury and illness-producing hazards and conditions by providing information about injuries and/or illnesses that are serious enough to require more than first aid<br>• Assists in the enforcement of and compliance with health and safety standards<br>• Reduces injuries and long-term costs by identifying hazards for abatement | Yes<br>Page 24 |
| Prosecution of employing offices for retaliating against employees who report safety and health hazards<br>*See* OSHAct § 11(c), 29 U.S.C. § 660(c) | • Allows agency with investigatory and prosecutorial authority over substantive violations to protect those who participate in its investigations and proceedings<br>• Allows employees to cooperate with investigators by reporting OSHAct violations and discussing workplace conditions with less fear of reprisal because enforcement agency will investigate and prosecute claims of retaliation<br>• Discourages employing offices from retaliating against employees who report OSHAct violations or otherwise cooperate with investigators<br>• Vests enforcement discretion with the agency having knowledge of the protected conduct and the underlying policy considerations | Yes<br>Page 26 |

## RECOMMENDATIONS FOR
# IMPROVEMENTS TO WORKPLACE RIGHTS LAWS

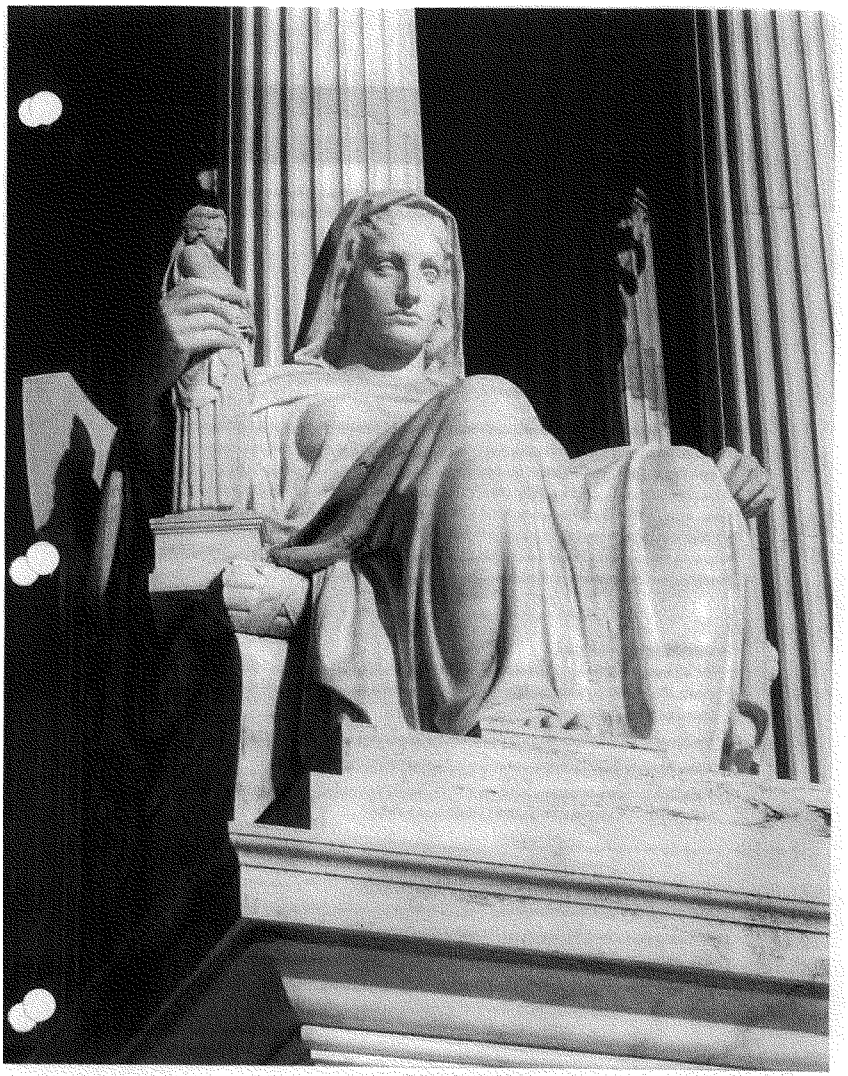
"The Congress finds that...[whistleblowers] serve the public interest by assisting in the elimination of fraud, waste, abuse, and unnecessary Government expenditures... [and that] protecting employees who disclose Government illegality, waste, and corruption is a major step toward a more effective civil service."

—*Congressional findings for the Whistleblower Protection Act of 1989 (S. 20 enrolled bill, final as passed both House and Senate)*

The Congressional Accountability Act (CAA) applies most Federal employment and labor laws to the Congressional workplace. The Office of Compliance (OOC) has a unique role in administering workplace rights laws. The OOC is required to educate Members of Congress, employing offices, and Congressional employees about their rights and obligations under the CAA. The OOC also implements and ensures the integrity of a dispute resolution system that requires confidential counseling and mediation prior to the adjudication of workplace disputes.

Examples of workplace rights that apply to Congress through the CAA include Title VII, the Americans with Disabilities Act of 1990, the Fair Labor Standards Act, and the Age Discrimination in Employment Act. Nevertheless, in passing the CAA, Congress omitted significant statutory provisions from these laws including notice-posting and recordkeeping requirements. As a result, a primary means of notifying employees that they have protections and remedies through notice-posting is not required in the Congressional workplace. Furthermore, Congress and its employing offices are exempt from recordkeeping requirements, which are required in the private and Federal Executive Branch sectors because such records often keep vital documentation and evidence to prove or disprove violations of employment discrimination laws.

Congress has also not afforded whistleblower protections to employees who report illegal conduct, gross mismanagement, gross waste of funds, and abuse of authority. It also does not extend workplace protections for employees who serve on jury duty, face bankruptcy, or who have their checks garnished by reason of indebtedness.



# WORKPLACE RIGHTS RECOMMENDATION #1

**Whistleblower Protections for Disclosing Violations of Laws, Rules or Regulations, Gross Mismanagement, Gross Waste of Funds, Abuses of Authority, or Substantial and Specific Dangers to Public Health**

**PARITY GAP IDENTIFIED**

Congress and its agencies are exempt from

Whistleblower Protection Act of 1989
Whistleblower Protection Enhancement Act of 2012

Congress passed the Whistleblower Protection Act of 1989 (WPA) to protect Federal workers in the Executive Branch from retaliation for reporting violations of laws, rules, or regulations, gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Since that time, Congress has also passed other whistleblower protection laws, such as the Sarbanes-Oxley Act, to protect employees in the private sector from reporting similar violations. While the Legislative Branch may experience abuses and gross mismanagement similar to those in the private sector and Executive Branch, Congressional employees do not have whistleblower protection if they decide to report on such matters.

**PURPOSE OF THE LAW**

- Employees are often in the best position to know about and report violations of law, waste, mismanagement, and abuse in government and need protections against retaliation when they disclose these violations
- Violations of law, waste, mismanagement and abuse of power are often not discovered by other sources
- Whistleblowers save taxpayer dollars by exposing waste and abuse
- Provisions increase taxpayers' faith in government by protecting whistleblowers who act as "watchdogs" and protect the public's health and safety

*RECOMMENDATION TO THE 113TH CONGRESS*

*The Board of Directors recommends that Congress and its agencies be held accountable under appropriate provisions that are similar to those in the Whistleblower Protection Act of 1989 and Whistleblower Protection Enhancement Act of 2012, and provide Congressional employees with protections from retaliation when they disclose violations of laws, rules or regulations, gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety in the Legislative Branch.*

*Recommended in prior § 102(b) reports.*

**ANALYSIS**

Over the years, the OOC has received numerous inquiries from Legislative Branch employees about their legal rights following their disclosures of alleged violations of law, abuses, or mismanagement. Unfortunately, employees wishing protection for such disclosures are not currently protected from employment retaliation by any law.[1] The anti-retaliation provisions of the CAA provide protection only to employees who exercise rights covered under the current provisions of the CAA. Whistleblower protections are intended specifically to add to these protections by preventing employers from taking retaliatory employment action against an employee who discloses information which he or she reasonably believes evidences a violation of law, gross mismanagement, or substantial and specific danger to public health or safety. When Congress first enacted the Whistleblower Protection Act (WPA) in 1989[2], it stated that the intent of the legislation was to:

> strengthen and improve protection for the rights of Federal employees, to prevent reprisals, and to help eliminate wrongdoing within the Government by—(1) mandating that employees should not suffer adverse consequences as a result of prohibited personnel practices; and (2) establishing...that while disciplining those who commit prohibited personnel practices may be used as a means by which to help accomplish that goal, the protection of individuals who are the subject of prohibited personnel practices remains the paramount consideration.[3]

These rights were not extended to Congressional employees under the CAA, and the OOC has urged Congress and its agencies to afford their employees these same protections. In both the 109th and 110th Congresses, legislation was introduced[4] that would have amended the CAA to give Legislative Branch employees some of the whistleblower protection rights that are available to Federal Executive Branch and private sector employees. Efforts to pass the legislation failed. Now that Congress has passed, and the President has signed, the WPEA, the rights of Executive Branch employees have been solidified, providing an excellent framework to follow for Legislative Branch employees. One of the strongest proponents of whistleblower protections for Legislative Branch employees has been Senator Chuck Grassley. In introducing legislation that would give Legislative Branch employees whistleblower protections, Senator Grassley released this statement:

> "Americans want an accountable and responsible Congress. Whistleblowers can be a key component to ensuring that misdeeds are uncovered. They are often the only ones who know the skeletons hidden deep in the closets. It takes courage to stand up and point out wrongdoing and it's unacceptable that people would be retaliated against for doing the right thing...Whistleblowers in the executive branch have helped me do my job of oversight. It's simply not fair, nor is it good governance for Congress to enact whistleblower protections on the other branches of government without giving its own employees the same consideration. Congress needs to practice what it preaches." --Press release, February 25, 2009.

Senator Claire McCaskill who co-sponsored this legislative effort stated the following:

> "Whistleblowers are the eyes and ears that expose some of the worst cases of fraud, waste and abuse of power... Since I arrived in Washington, I have made it a goal to protect watchdogs who keep government and industry on the straight and narrow, and Congress should be no exception. We need to make sure that congressional employees have the same protections from retaliation as their colleagues in the executive branch."

While the Board understands that there may be practical problems with applying all aspects of the WPA and the WPEA to the Legislative Branch, we support the efforts of Senators Grassley and McCaskill as they continue to advocate for whistleblower protections for Congressional employees.

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[1] As the Board has indicated in prior § 102(b) reports, Legislative Branch employees may currently be covered by the anti-retaliation provisions of the Toxic Substances Control Act; Clean Water Act; Safe Drinking Water Act; Energy Reorganization Act; Solid Waste Disposal Act/ Resources Conservation Recovery Act; Clean Air Act; and Comprehensive Environmental Response, Compensation and Liability Act. While the Board has previously recommended that Congress clarify that protection for Legislative Branch employees exists under these environmental statutes, the current Board has concluded that it is no longer necessary to include this as a separate recommendation because such protection can be provided by enacting comprehensive whistleblower protection.

[2] The Whistleblower Protection Act was amended by the Whistleblower Protection Enhancement Act of 2012 (WPEA) (PL 112–199).

[3] 5 U.S.C. § 1201 nt.

[4] S.3676, 109th Cong. (2006); S. 508, 110th Cong. (2007).

# WORKPLACE RIGHTS RECOMMENDATION #2

**Require Notice-Posting of Congressional Workplace Rights in All Employing Offices**

**PARITY GAP IDENTIFIED**

Congress and its agencies are exempt from notice posting provisions 42 U.S.C. § 2000e-10(a)

(Title VII)
29 U.S.C. § 627 (ADEA)
42 U.S.C. § 12115 (ADA)
29 U.S.C. § 211 (FLSA/EPA)
29 U.S.C. § 2619(a) (FMLA)
29 U.S.C. § 2003 (EPPA)
38 U.S.C. § 4334(a) (USERRA)
29 U.S.C. § 657(c) (OSHA)
5 U.S.C. § 2301 note
(notice-posting provision)
(No FEAR Act)

Almost all Federal anti-discrimination, anti-harassment, safety and health and other workplace rights laws require that employers prominently post notices of those rights and information pertinent to asserting claims for alleged violations of those rights. Although the CAA does provide for the OOC to distribute informational material "in a manner suitable for posting," it does not mandate the actual posting of the notice. Exemption from notice-posting limits Congressional employees' access to a key source of information about their rights and remedies.

**PURPOSE OF THE LAW**

- Informs employees of basic workplace rights, remedies, and how to seek redress for alleged violations of the law
- Reminds employers of their workplace obligations and consequences for failure to follow the law

## *RECOMMENDATION TO THE 113TH CONGRESS*

*The Board of Directors recommends that Congress adopt all notice-posting requirements that exist under the Federal anti-discrimination, anti-harassment, safety and health, and other workplace rights laws covered under the CAA, and no longer exempt itself from the responsibility of notifying employees about their rights through this medium. Private and public employers are required by law to post notices of workplace rights and information necessary for asserting claims for alleged violations of those rights. The reason that most workplace rights laws passed by Congress require noticeposting is that it is a proven and effective tool in providing consistent and ongoing information to employees about their rights notwithstanding changes in workforce composition or location.*

*Recommended in prior § 102(b) reports.*

**ANALYSIS**

Most federal workplace rights statutes that apply in the private and public sectors require employers to post notices to inform employees of their workplace rights, remedies for violations of the law and the appropriate authorities to contact for assistance. Because the legal obligation results in permanent postings, current and new employees are informed about their rights regardless of their location, employee turnover, or other changes in the workplace. The notices also serve as a reminder to employers about their obligations and the legal ramifications for violating the law.

Even though Federal law imposes notice-posting on private and public sector employers, most notice-posting requirements do not apply to the Legislative Branch. The failure to require notice-postings in the Congressional workplace may explain recent findings by the Congressional Management Foundation that most Congressional employees have limited to no knowledge of their workplace rights.[5]

*Currently, the following notice-posting provisions have no application to Congress and its employing offices:*

**Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-10(a)**, requires private sector and Federal Executive Branch employers to notify employees about Title VII's protections that personnel actions affecting covered employees shall be free from discrimination or harassment on the basis of race, color, religion, sex and national origin.

**Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. § 627**, requires private sector and Federal Executive Branch employers to notify employees about the ADEA's protections that personnel actions affecting covered employees shall be free from discrimination or harassment on the basis of age.

**Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12117**, requires private sector and Federal Executive Branch employers to notify employees about ADA's protections that provide that personnel actions affecting covered employees shall be free from discrimination or harassment on the basis of disability.

**The Fair Labor Standards Act of 1938 (FLSA) (including the Equal Pay Act), 29 U.S.C. § 211**, requires private sector and Federal Executive Branch employers to notify employees about FLSA protections which require payment of the minimum wage and overtime compensation to nonexempt employees, restrict child labor, and prohibit sex discrimination in wages paid to men and women.

**Family And Medical Leave Act of 1993 (FMLA), 29 U.S.C. § 2619(a)**, requires private sector and Federal Executive Branch employers to notify employees about FMLA's protections which require unpaid leave for covered employees for certain family and medical reasons, including to care for covered service members.

**The Employee Polygraph Protection Act of 1988 (EPPA), 29 U.S.C. § 2003**, requires private sector and Federal Executive Branch employers to notify employees about EPPA's protections which, with certain exceptions, prohibit requiring or requesting that lie detector tests be taken; using, accepting, or inquiring about results of a lie detector test; or firing or discriminating against an employee based on the results of a lie detector test or for refusing to take a test.

**Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. § 4334(a)**, requires private sector and Federal Executive Branch employers to notify employees about USERRA's protections which protect employees performing service in the uniformed services from discrimination and provide certain rights to benefits and reemployment rights upon completion of service.

**The Occupational Safety and Health Act of 1970 (OSHAct), 29 U.S.C. § 657(c)**, requires private sector employers to notify employees about OSHAct's protections which require that all workspaces be free from safety and health hazards that might cause death or serious injury.

These notice-posting statutory provisions require that the Equal Employment Opportunity Commission or the Secretary of Labor promulgate regulations to implement the notice-posting requirements.[6] If Congress were to adopt the statutory provisions regarding notice-posting, the OOC Board would promulgate similar posting regulations tailored to the Congressional workplace.

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[5] See Fiscal Year 2009 Annual Report "State of the Congressional Workplace" at pp. 38-41.

[6] The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) also requires notice-posting of anti-discrimination laws in all Federal Executive Branch agencies.

# WORKPLACE RIGHTS RECOMMENDATION #3

**Require Retention by All Employing Offices of Records that are Necessary and Appropriate for the Administration of Laws**

**PARITY GAP IDENTIFIED**

Congress and its agencies are exempt from the following recordkeeping provisions

42 U.S.C. § 2000e-8(c)
(Title VII)
29 U.S.C. § 626(a) (ADEA)
42 U.S.C. § 12117 (ADA)
29 U.S.C. § 2616(b) (FMLA)
29 U.S.C. § 211(c) (FL SA/EPA)

Under most Federal workplace rights laws, Congress has imposed on private and public employers requirements to retain records that are necessary for enforcement of various workplace laws. Both employers and employees benefit from the retention of documented personnel actions. Records can greatly assist in the speedy resolution of claims. If the law has not been violated, employers more readily can demonstrate compliance if adequate records have been made and preserved. Effective recordkeeping may also be necessary for effective vindication of employee rights. The types of records that must be retained, the method by which they must be retained, and the time periods for which they must be retained differ substantially based upon the statute involved. Congress has exempted itself from all of these requirements.

**PURPOSE OF THE LAW**

- Records assist in speedier resolution of claims
- Employers can use records as critical evidence to demonstrate that no violation of the law occurred
- Employees can use records as critical evidence to assert their rights

*RECOMMENDATION TO THE 113TH CONGRESS*

*The Board recommends that Congress adopt all recordkeeping requirements under Federal workplace rights laws. The reason that most workplace rights laws passed by Congress require recordkeeping is to ensure compliance with the various statutes. Records may be necessary for employees to assert their rights. Such records may also be critical evidence for employers to demonstrate that no violations of workplace rights laws occurred.*

*Recommended in prior § 102(b) reports.*

**ANALYSIS**

Most federal workplace rights statutes that apply to private and public sector employers require the employer to retain personnel records in a certain manner and for a certain period of time. Although some employing offices in Congress keep personnel records, there are no legal requirements under workplace rights laws to do so in Congress. These recordkeeping laws provide separate legal requirements for the retention of personnel records.

**Title VII of the Civil Rights Act of 1964 ("Title VII")** requires an employer to maintain certain personnel records, although no particular form of retention is specified. All personnel and employment records made or kept by an employer, including applications and records pertaining to hiring, promotion, demotion, transfer, layoff or termination, pay rates and other compensation terms, and training must be retained for one year from the date of making the record or the personnel action involved, whichever is later. Title VII further requires that once a discrimination claim is filed, all personnel records relevant to the claim must be retained until final disposition of the charge or action.

**Americans With Disability Act of 1990 ("ADA")** mandates that records be kept in accordance with Title VII requirements for a one year period. Any records related to an employee's request for accommodation under the ADA are considered relevant personnel records and must be retained for one year. The biggest ADA recordkeeping issue of which employers need to be aware relates to medical confidentiality concerns under the ADA. Any records containing medical information must be kept in a separate, confidential medical file. They cannot be kept in an employee's personnel file.

**Age Discrimination in Employment Act of 1967 ("ADEA")** contains recordkeeping requirements. Payroll or other records containing an employee's name, address, date of birth, occupation, pay rate and compensation earned per week must be kept for a minimum of three years and be readily available. All personnel or employment records relating to job applications, promotion, demotion, transfer, training, discharge, employment tests, or job advertisements must be kept for at least one year after the personnel action is taken. Records relating to employee benefit plans and written seniority or merit rating systems must be kept while the plan or system is in effect, plus one year after its termination. Finally, personnel records relevant to any enforcement action brought against an employer under the ADEA must be kept until final disposition of the action.

**Fair Labor Standards Act of 1938 ("FLSA")** has very broad recordkeeping requirements. Specified records must be kept two or three years, depending on the type of record. Some of the most important provisions of which an employer must be aware are the records mandated for exempt and nonexempt employees. For all employees, an employer must keep records containing the following information: employee name and identifying number/symbols; home address and zip code; date of birth, if under 19; gender; and occupation in which employee is employed. For non-exempt employees, employers must also keep records containing: time of day and day of week that work week begins; pay rate; hours worked each work day and week; total daily and hourly straight time earnings; total overtime earnings; total additions/deductions to/from wages each pay period; total wages each pay period; date of payment and pay period covered by payment; and any retroactive wage payment information.

**Equal Pay Act ("EPA")** adopts the basic recordkeeping requirements set forth under the FLSA. In addition, it requires employers to retain records made in the regular course of business which relate to wages or other matters that describe or explain the basis for payment of wage differentials to employees of the opposite sex in the same establishment; for example, records relating to wage payments, wage rates, job evaluations, job descriptions, and merit or seniority systems. The records must be kept for at least two years and for all employees regardless of their exempt or non-exempt status. Records relevant to any enforcement action under the EPA must be kept until final disposition of the action.

**Family and Medical Leave Act of 1993 ("FMLA")** requires that for every employee, employers must retain the following for three years: records pertaining to compliance with FMLA's leave requirements, basic payroll information and identifying employee data, pay rate, compensation terms, daily and weekly hours worked per pay period, additions/deductions to/ from wages and total compensation paid. In addition to the basic records, employers must maintain certain records for eligible employees for three years: dates of FMLA leave taken by employee, hours of leave, if taken incrementally, copies of written employee notices given to the employer, copies of all general and specific notices given to employees by the employer, all documents describing employee benefits or employee policies and practices relating to paid and unpaid leave, premium payment of employee benefits, and records of any disputes between employer and employee about designation of leave as FMLA.

# WORKPLACE RIGHTS RECOMMENDATION #4

**Mandatory Anti-Discrimination and Anti-Retaliation Training for All Congressional Employees and Managers**

**PARITY GAP IDENTIFIED**

Congress and its agencies are exempt from

5 U.S.C. § 2301 note (No FEAR Act of 2002)
(Training Provision)

With the passage of the No FEAR Act of 2002, Congress required all Federal Executive Branch agencies to provide mandatory anti-discrimination and anti-retaliation training to all employees to reinvigorate their longstanding obligation to provide a work environment free of discrimination and retaliation.

**PURPOSE OF THE LAW**

- Reduces discrimination and retaliation claims
- Informs managers of their obligations under workplace rights laws and improves compliance
- Informs employees about their workplace rights and how workplace conflicts can be resolved
- Puts all employees on notice that inappropriate conduct will not be tolerated

*RECOMMENDATION TO THE 113TH CONGRESS*

*The Board recommends that Congress mandate anti-discrimination and anti-retaliation training for all employees and managers.*

*Recommended in prior § 102(b) reports.*

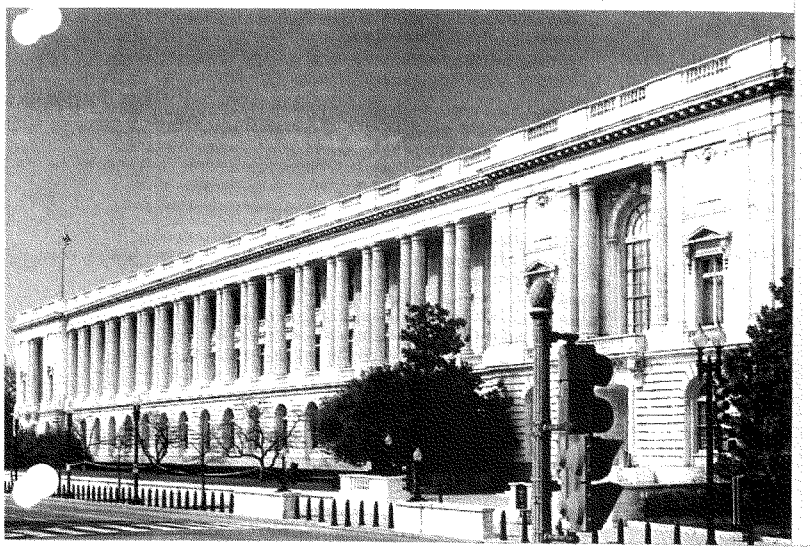
**ANALYSIS**

Section 202(c) of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act) requires that each Federal agency in the Executive Branch provide employees training regarding their rights and remedies under anti-discrimination and anti-retaliation laws. By regulation, all current employees and managers must be trained by a date certain and training thereafter must be conducted no less than every two years. New employees receive training as part of a new hire orientation program. If there is no new hire orientation program, new employees must receive the applicable training within 90 days of their appointment.

It has long been recognized that anti-discrimination and anti-retaliation training for employees provides many benefits to the workplace. By informing employees about their rights, they learn to differentiate between what the law prohibits, such as unlawful harassment, and what the law does not prohibit, such as everyday non-discriminatory personnel decisions. Employees also learn about how to seek redress for violations of their rights and the remedies available to them under the law.

Training also informs managers of their obligations as employers. Often employers run afoul of the law because they were not properly informed of their duties as employers or about best practices for how to handle discrimination and retaliation issues.

Mandatory training has the effect of reducing discrimination and retaliation claims, resulting in lower administrative and legal costs. The Board believes that mandatory training would benefit the Legislative Branch in the same manner.



# ADDITIONAL WORKPLACE RIGHTS
# RECOMMENDATIONS

"Our Nation's veterans deserve the promise of employment upon completing service to our country and of job security while on military status."

*—Representative Joseph Patrick Kennedy, II, May 4, 1993*

### APPROVAL OF UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT REGULATIONS

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) was enacted to encourage non-career service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment that can result from such service. USERRA seeks to ensure that entry and re-entry into the civilian workforce are not hindered by participation in non-career military service and accomplishes this purpose by providing rights in two kinds of cases: discrimination based on such military service, and denial of an employment benefit as a result of such military service. The Department of Labor submitted implementing regulations for the Executive Branch in 2005.

USERRA was made applicable to eligible employees of the Legislative Branch under the CAA. The Board of Directors of the OOC proposed implementing regulations in May 2008. Subsequent to receipt of comments, the Board adopted regulations on December 3, 2008 and sent them for approval by the 111th Congress at the beginning of its new session.[7] To date, Congress has failed to adopt the USERRA regulations. The Board urges adoption. The regulations cover employees and applicants for employment who are serving or have served in the uniformed services and work in the Legislative Branch.[8] They provide reemployment rights and protection from discrimination and retaliation. Generally, with sufficient notice, an "eligible employee" with five or less years of service in the uniformed services has the right to be reemployed by an employing office if that employee left that job to perform service in the uniformed services. An employing office may not deny an "eligible employee" initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of the employee's status in the uniformed services.

Further, the regulations address health and pension plan benefits. Upon returning to employment with the employing office, eligible employees are entitled to health benefits coverage, generally without any waiting periods or exclusions except for service-connected illnesses or injuries. In addition, upon reemployment, an eligible employee is treated as not having a break in service with the employing office for purposes of participation, vesting and accrual of benefits in a pension plan.

Under USERRA, as enforced by the CAA, an employing office may not retaliate against an "eligible employee" for asserting, or assisting in the enforcement of a right under USERRA, including testifying or making a statement in connection with a proceeding under USERRA. While not specifically protected by USERRA, a "covered employee" who has no service connection is protected under the anti-retaliation provisions of the CAA for assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA.

[7] See www.compliance.gov for full text of the regulations.

[8] For purposes of USERRA, an employee or applicant for employment with the House of Representatives, Senate, Congressional Budget Office, Government Accountability Office, Library of Congress, Office of Compliance, Office of Congressional Accessibility Services, Office of the Architect of the Capitol, Office of the Attending Physician, or United States Capitol Police is a "covered employee" under the CAA. A "covered employee" who is a past or present member of the uniformed service; has applied for membership in the uniformed service; or is obligated to serve in the uniformed service is an "eligible employee" protected by USERRA, as applied by the CAA.

An "eligible employee" may file a USERRA complaint, subsequent to CAA-mandated counseling and mediation, either with the OOC or in a civil action in district court. Similarly, after the required period of counseling and mediation, a "covered employee" may bring an action for retaliation under the retaliation sections of the CAA. Although USERRA has no statute of limitations, the CAA requires that a request for counseling be brought to the OOC within 180 days after the alleged violation.

There is a need for USERRA regulations in the Legislative Branch, sensitive to its particular procedures and practices. Congress has seen fit to provide servicemen and women certain protections in federal civilian employment. The Board of Directors urges speedy passage of the regulations to make meaningful to the covered community the rights afforded by USERRA.

**PROTECT EMPLOYEES WHO SERVE ON JURY DUTY (28 U.S.C. § 1875)**

Section 1875 provides that no employer shall discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of the United States. This section currently does not cover Legislative Branch employment. For the reasons set forth in the 1996, 1998, 2000 and 2006 § 102(b) Reports, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the Legislative Branch.

**PROTECT EMPLOYEES AND APPLICANTS WHO ARE OR HAVE BEEN IN BANKRUPTCY (11 U.S.C. § 525)**

Section 525(a) provides that "a governmental unit" may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person because that person is or has been a debtor under the bankruptcy statutes. This provision currently does not apply to the Legislative Branch. For the reasons stated in the 1996, 1998, 2000 and 2006 § 102(b) Reports, the Board recommends that the rights and protections against discrimination on this basis should be applied to employing offices within the Legislative Branch.

**PROHIBIT DISCHARGE OF EMPLOYEES WHO ARE OR HAVE BEEN SUBJECT TO GARNISHMENT (15 U.S.C. § 1674(A))**

Section 1674(a) prohibits discharge of any employee because his or her earnings "have been subject to garnishment for any one indebtedness." This section is limited to private employers, so it currently has no application to the Legislative Branch. For the reasons set forth in the 1996, 1998, 2000 and 2006 § 102(b) Reports, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the Legislative Branch.

**TELEWORK IMPROVEMENTS (TELEWORK IMPROVEMENTS ACT OF 2010)**

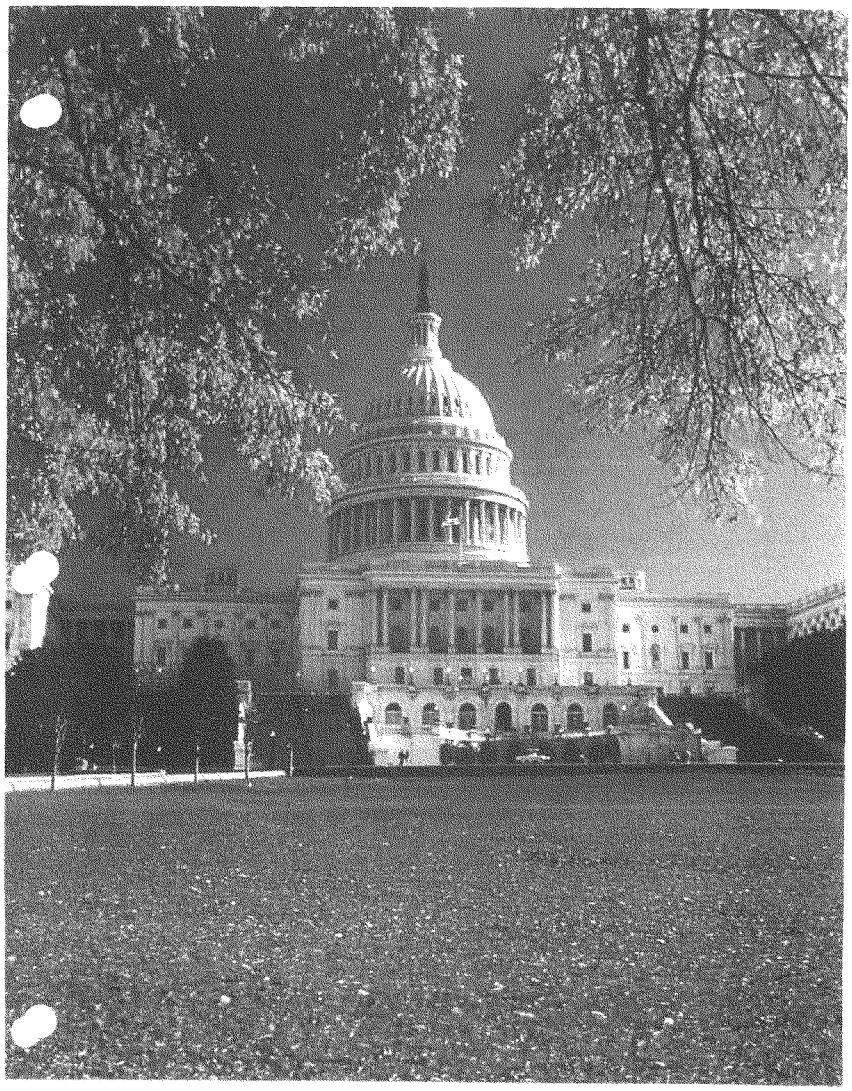
In 2010, Congress passed the Telework Improvements Act but applied it only to the Federal Executive Branch. In addition to requiring telework improvements for each agency, the Act mandates equal treatment of teleworkers and nonteleworkers for purposes of performance appraisals, work requirements, or other employment related acts involving management discretion. The Office of Personnel Management has issued guidance to implement the Act. The Board believes that it is prudent to monitor and observe the Act's impact on the Executive Branch before commenting further about whether the Act should apply to Congress and its agencies.

## RECOMMENDATIONS FOR IMPROVEMENTS TO **SAFETY AND HEALTH LAWS**

> "The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.
>
> —*Congressional findings in the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651(a)*

The Congressional Accountability Act (CAA) applies the broad protections of Section 5 of the Occupational Safety and Health Act (OSHAct) to the Congressional workplace. The Office of Compliance (OOC) enforces the OSHAct in the Legislative Branch in much the same way that the Secretary of Labor enforces the OSHAct in the private sector. Under the CAA, the OOC is required to conduct safety and health inspections of covered employing offices at least once each Congress and in response to any request, and to provide employing offices with technical assistance to comply with the OSHAct's requirements.

But Congress and its agencies are still exempt from critical OSHAct requirements imposed upon American businesses. Under the CAA, employing offices in the Legislative Branch are not subject to investigative subpoenas to aid in inspections as are private sector employers under the OSHAct. Similarly, Congress exempted itself from the OSHAct's recordkeeping requirements pertaining to workplace injuries and illnesses that apply to the private sector. Finally, Legislative Branch employees who report workplace hazards or who cooperate with OSH investigators are not protected from retaliation in the same manner as private sector employees. The Secretary of Labor protects private sector employees by investigating and litigating retaliation claims while Legislative Branch employees have the burden of investigating and litigating their own cases. As a result, when it comes to workplace safety and health, parity gaps exist between the rights and protections that Congressional employees have as compared with private sector employees.



# SAFETY & HEALTH RECOMMENDATION #1

**Subpoena Authority to Obtain Information Needed for Safety & Health Investigations**

**PARITY GAP IDENTIFIED**

Congress and its agencies are exempt from

OSHAct § 8(b), 29 U.S.C. § 657(b)

Employers in the private sector that do not cooperate with the U.S. Department of Labor (DOL) in an OSHAct investigation may be subpoenaed to compel the production of information by the DOL under OSHAct § 8(b), 29 U.S.C. § 657(b).

**PURPOSE OF THE LAW**

- Saves time and money by encouraging voluntary and timely cooperation with investigating agency
- Allows investigating agency access to essential health and safety information
- More effective preservation of witness recollection and other evidence
- Reduces employee exposure time to hazardous conditions

*RECOMMENDATION TO THE 113TH CONGRESS*

*The Board of Directors recommends that Legislative Branch employing offices be subject to the investigatory subpoena provisions contained in OSHAct § 8(b).*

*Recommended in prior § 102(b) reports.*

**ANALYSIS**

One of the most significant authorities of the Secretary of Labor is the ability to compel the attendance and testimony of witnesses and the production of evidence under oath in the course of conducting inspections and investigations of workplaces under OSHAct § 8(b), 29 U.S.C. § 657(b). In enacting the OSHAct, Congress observed that investigatory subpoena power "is customary and necessary for the proper administration and regulation of an occupational safety and health statute."[9] Investigatory subpoena authority is common to other Federal agencies that have investigative functions similar to that of the Secretary of Labor under the OSHAct.[10] Absent such authority, a recalcitrant employer under investigation could easily delay or even disable a regulatory agency from conducting an adequate investigation.[11]

Unlike the Department of Labor and other state and federal entities, subpoena authority in aid of investigations was not given to the OOC under the CAA.[12] This omission considerably limits the OOC's ability to investigate promptly and effectively safety and health hazards within the Congressional workplace.

In many, if not most, instances, safety and health inspections and investigations of employment areas must rely on witnesses and the examination of records that are solely within the possession and control of the employing office. If an employing office refuses to provide pertinent information, the OOC may be forced to limit or even abort an inspection or investigation. In some instances, the absence of investigatory subpoena authority has significantly contributed to protracted delays in investigations. *See e.g., Biennial Report on Occupational Safety and Health Inspections* during the 109th Congress, pp. 5–6 (April 2008). Inordinate delay or provision of only partial information can easily result in faulty witness recollection, the loss of evidence, and untimely completion of inspections.

Investigatory subpoena power would encourage employing offices to provide documents or other evidence necessary for an investigation. At the same time, this authority would provide a neutral forum for the timely resolution of legitimate disputes over the production of evidence. Hence, it would enhance the OOC's ability to obtain promptly information necessary to ascertain whether further investigation was required, immediate enforcement action was warranted, or conclude that no factual basis existed for finding a violation.

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[9] Report No. 91-1291 of the House Committee on Education and Labor, 91st Congress, 2d Session, p. 22, to accompany H.R 16785 (OSHAct) (Section 8(b) "grants the Secretary of Labor a subpoena power of books, records and witnesses – a power which is customary and necessary for the proper administration and regulation of an occupational safety and health statute."); Report No. 91-1291 of the Senate Committee on Labor and Public Welfare, 91st Congress, 2d Session, p.12, to accompany S. 2193 (OSHAct) ("a power which is customary and necessary for the proper administration and enforcement of a statute of this nature.").

[10] *See e.g., Report to Congress on the Use of Administrative Subpoena Authorities by Executive Branch Agencies and Entities*, U.S. Department of Justice, pp. 6-7 and Appendix A1: ("Without sufficient investigatory powers, including some authority to issue administrative subpoena requests, federal governmental entities would be unable to fulfill their statutorily imposed responsibility to implement regulatory or fiscal policies. Congress has granted some form of administrative subpoena authority to most federal agencies, with many agencies holding several such authorities. The Supreme Court has construed administrative subpoena authority broadly and has consistently allowed expansion of the scope of administrative investigative authorities, including subpoena authorities, in recognition of the principle that overbearing limitation of these authorities would leave administrative entities unable to execute their respective statutory responsibilities.").

[11] *See e.g.,* Federal Efforts to Eradicate Employment Discrimination in State and Local Governments: An Assessment of the U.S. Department of Justice's Employment Litigation Section, U.S. Commission on Civil Rights (September 2001) ("A major obstacle to the investigative process is [the Employment Litigation Section] ELS's lack of subpoena power and its resulting reliance on voluntary compliance from employers under investigation. Without this authority, ELS cannot force employers to provide documents, access to personnel, or other evidence necessary to complete an investigation. *** '[I]nvestigations get strung along by employers very often and the collection of information alone can take months. *** Thus, without having subpoena power, ELS runs the risk of needlessly expending resources on efforts to compel employers to produce the information necessary for an investigation.")

[12] Research disclosed nothing in the legislative history to explain why § 8(b) of the OSHAct was not incorporated in the CAA.

# SAFETY & HEALTH RECOMMENDATION #2

**Safety & Health Recordkeeping of Congressional Employee Injuries**

**PARITY GAP IDENTIFIED**

Congress and its agencies are exempt from

OSHAct § 8(c), 29 U.S.C. § 657(c)

Employers in the private sector are required to keep records of workplace injuries and illnesses under OSHAct § 8(c), 29 U.S.C. § 657(c).

**PURPOSE OF THE LAW**

- Saves time and money by providing information about injuries and/or illnesses that can be used to develop and assess the effectiveness of measures taken to protect safety and health
- Assists in the enforcement of and compliance with health and safety standards
- Reduces injuries and associated costs by identifying hazards and conditions in need of abatement

*RECOMMENDATION TO THE 113TH CONGRESS*

*The Board of Directors recommends that covered Legislative Branch employing offices be required to keep and provide safety and health records to the General Counsel of the OOC consistent with the requirements of the OSHAct § 8(c), 29 U.S.C. § 657(c), which requires private employers to keep and provide similar records to DOL.*

*Recommended in prior § 102(b) reports.*

**ANALYSIS**

Section 8(c) of the OSHAct (29 U.S.C. § 657(c)), requires employers to make, keep and preserve, and provide to the Secretary of Labor, records required by the Secretary as necessary and appropriate for the enforcement of the OSHAct or for developing information regarding the causes and prevention of occupational accidents and illnesses; records on work-related deaths, injuries and illnesses; and records of employee exposure to toxic materials and harmful physical agents. None of these recordkeeping provisions was adopted by the CAA to apply to the Legislative Branch.[13]

In enacting the OSHAct, Congress recognized that "[f]ull and accurate information is a fundamental precondition for meaningful administration of an occupational safety and health program." Congress observed that a recordkeeping requirement should be included in that legislation because "the Federal government and most of the states have inadequate information on the incidence, nature, or causes of occupational injuries, illnesses, and deaths."[14]

Without access to such information, the OOC is unable to enforce effectively several critical safety and health standards within the Legislative Branch. Substantive occupational safety and health standards concerning asbestos in the workplace (29 C.F.R. 1910.1001), providing employees with safety information regarding hazardous chemicals in their workspaces (29 C.F.R. 1910.1200), emergency response procedures in the event of release of hazardous chemicals (29 C.F.R. 1910.120), and several others rely on accurate recordkeeping to ensure that employees are not exposed to hazardous materials or conditions. However, because the CAA does not contain § 8(c)'s recordkeeping requirements, employing offices may contend that they are not required to maintain or submit such records to OOC for review. Absent these requirements, we cannot fulfill Congress's objective of ensuring that all Legislative Branch employees are provided with places of work that comply with the occupational safety and health standards protecting their private sector counterparts.

Without the benefit of § 8(c) authority, the OOC is hampered in its ability to access records needed to develop information regarding the causes and prevention of occupational injuries and illnesses. § 8(c)(1). As the Department of Labor recognized, "Analysis of the data is a widely recognized method for discovering workplace safety and health problems and tracking progress in solving these problems."[15]

In February 2004, the Government Accountability Office issued its report, *Office of Compliance, Status of Management Control Efforts to Improve Effectiveness*, GAO-04-400. In its report, GAO made a number of recommendations to improve the OOC's effectiveness, one of which was to increase "its capacity to use occupational safety and health data to facilitate risk-based decision making" to ensure that the OOC's activities contribute to "a safer and healthier workplace." (pp. 4, 14). Without the ability to acquire relevant and targeted employing office illness and injury data under OSHAct § 8(c)(2), the OOC cannot efficiently tailor the biennial inspections by focusing its limited resources on work areas that have the highest incidence of illness or injury.

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[13] Occupational injury and illness recordkeeping and reporting requirements are applied to "each Federal Agency" by virtue of Section 19 of the OSHAct (29 U.S.C. § 668). Section 19 was not incorporated in the CAA. Accordingly, the Secretary of Labor's recordkeeping regulations under Section 19 apply only to Executive Branch agencies, except that "By agreement between the Secretary of Labor and the head of an agency of the Legislative and Judicial Branches of the Government, these regulations may be applicable to such agencies." 29 C.F.R. 1960.2(b) and 1960.66 et seq. The Department of Labor has advised that it has no such agreements with any Legislative Branch employing offices.

[14] Senate Report No. 91-1282 (October 6, 1970) respecting the recordkeeping and records provisions of now Section 8(c) of OSHAct. See also, Report No. 91-1291 of the House Committee on Education and Labor, 91st Congress, 2d Session, p. 30, to accompany H.R. 16785 (OSHAct) ("Adequate information is the precondition for responsible administration of practically all sections of this bill.").

[15] *See*, "Detailed Frequently Asked Questions for OSHA's Injury and Illness Recordkeeping Rule for Federal Agencies," www.osha.gov/recordkeeping/detailedfaq.html.

# SAFETY & HEALTH RECOMMENDATION #3

**Authority to Investigate and Litigate Claims of Retaliation Against Congressional Employees**

**PARITY GAP IDENTIFIED**

Congress and its agencies are exempt from

OSHAct § 11(c), 29 U.S.C. § 660(c)(2)

Under OSHAct § 11(c), 29 U.S.C. § 660(c), the Secretary of Labor can protect employees in the private sector who report OSHAct violations by investigating and litigating retaliation claims. Legislative Branch employees receive no such protection from the OOC General Counsel and must shoulder the costs and burdens of investigating and litigating such claims of retaliation.

**PURPOSE OF THE LAW**

- Allows agency with investigatory and prosecutorial authority over substantive violations to protect those who participate in its investigations and proceedings
- Facilitates employee cooperation with investigators in reporting OSHAct violations and discussing workplace conditions with less fear of reprisal because enforcement agency will investigate and prosecute claims of retaliation
- Discourages employing offices from retaliating against employees who report OSHAct violations or otherwise cooperate with investigators
- Vests enforcement discretion with the agency having knowledge of the protected conduct and the underlying policy considerations

*RECOMMENDATION TO THE 113TH CONGRESS*

*The Board of Directors recommends amending the CAA to permit the OOC to enforce anti-retaliation rights for covered employees of employing offices under OSHAct § 11(c), 29 U.S.C. § 660(c), who report health and safety hazards or who otherwise participate or cooperate in occupational safety and health investigations.*

*Recommended in prior § 102(b) reports.*

**ANALYSIS**

Legislative Branch employees have provided the OOC with invaluable insight into the existence of hazardous or unhealthful conditions. The information received from employees has proven essential in advising the OOC of the possible existence of serious hazards that may affect the safety and health of employees and members of the public. All too often, the hazards these employees have brought to the OOC's attention might not otherwise have been detected during the mandated periodic inspections of Legislative Branch facilities.

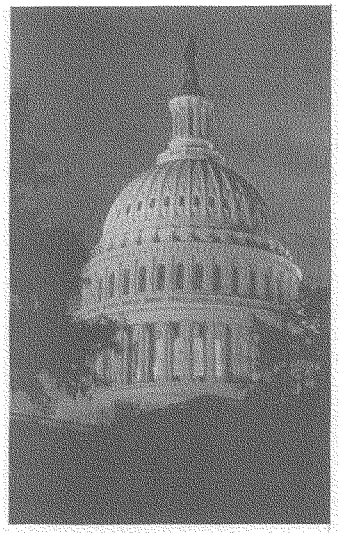
Because of the strong institutional interest in ensuring that this information continues to flow freely, it is critical that the CAA effectively protects employees from reprisal when they exercise their right to report occupational hazards within the workplace or otherwise cooperate with the OOC on matters relating to occupational safety and health. Authorizing the OOC to investigate and litigate retaliation claims would vindicate more effectively these basic rights, deter acts taken in reprisal, dispel the chilling effect that intimidation and reprisal create, and protect the integrity of the CAA and its processes.

The only protection currently provided to employees reporting OSHAct violations is contained in § 207 of the CAA, which makes it "unlawful for a covered employing office to intimidate, take reprisal against, or otherwise discriminate against, any covered employee because the covered employee has opposed any practice made unlawful by [the CAA]...or initiated proceedings... or participated in...[a] proceeding" 2 U.S.C. § 1317(a). Under this general anti-retaliation provision, the employee may bring a retaliation claim, using the counseling, mediation, and complaint procedures set forth in §§ 401-408 of the CAA. With that process comes the obligation to shoulder the financial and logistical burden of litigating a charge of reprisal without the support of the OOC's investigative process and enforcement procedures in an area of law that can be complex and highly technical.

While the CAA substantially follows the OSHAct in vesting the OOC with the same authority to investigate OSHAct violations and issue OSHAct citations and complaints as is given to the Secretary of Labor, it fails to give the General Counsel the same authority granted to the Secretary of Labor with respect to retaliation against employees. This disparity means that even though the OOC is responsible for identifying, investigating, and obtaining abatement of workplace hazards, the OOC can do nothing to protect from retaliation the employees who assist the OOC in the performance of these responsibilities. Under § 11(c) of the OSHAct, the Secretary of Labor can investigate and bring an action against a person who discharges or otherwise discriminates against an employee because that employee has exercised rights on behalf of himself or others under the OSHAct. 29 U.S.C. § 660(c)(2). In contrast, under the CAA, the OOC's General Counsel does not have the authority to bring a claim on behalf of an employee who alleges retaliation because he or she cooperated in one of the OOC's investigations. While employees have reported to OOC's safety inspectors instances of harassment and other acts of retaliation because they reported hazards, under current law, the OOC cannot investigate or enforce these claims. With few exceptions, employees reporting OSHAct retaliation to the OOC have not initiated § 207 retaliation claims under the CAA. Some employees have expressed to the OOC great concern about their exposure in coming forward to bring a claim of retaliation; others have indicated their unwillingness to proceed without having the protections provided by OSHAct § 11(c). Consequently, the General Counsel's ability to identify, investigate, and obtain abatement of workplace hazards is being compromised by the inability to offer and provide protection against retaliation to those employees who have reported hazards and cooperated with investigations. Merely knowing that the General Counsel possesses such authority may deter employing offices from retaliating against their employees.

The General Counsel's lack of authority to prosecute meritorious retaliation claims weakens employee confidence in the efficacy of the CAA, and places health and safety unnecessarily at risk. Not only is the employee affected, but others may be deterred from reporting a hazard. Employee reluctance to report uncorrected hazardous conditions within the workplace both undermines the core objective of the CAA—to foster a safe and healthful work environment—and deprives the OOC of information critical to its mission.

# ACRONYMS



**ADEA:** Age Discrimination in Employment Act of 1967

**ADA:** Americans with Disabilities Act of 1990

**CAA:** Congressional Accountability Act of 1995

**DOL:** Department of Labor (Federal Executive Branch)

**EPPA:** Employee Polygraph Protection Act of 1988

**EPA:** Equal Pay Act

**FLSA:** Fair Labor Standards Act of 1938

**FMLA:** Family Medical Leave Act of 1993

**GINA:** Genetic Information Nondiscrimination Act of 2008

**No FEAR Act:** Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002

**OSHAct:** Occupational Safety and Health Act of 1970

**OOC:** Office of Compliance

**Title VII:** Title VII of the Civil Rights Act of 1964

**USERRA:** Uniformed Services Employment and Reemployment Rights Act of 1994

**WPA:** Whistleblower Protection Act of 1989

**WPEA:** Whistleblower Protection Enhancement Act of 2012

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